DEFENSIVE
DOUBTS, HOPES, AND REASONS,

For refusall of the Oath, imposed by the sixth Canon of the late Synod.

With important Considerations, both for the penning and publishing of them at this time.

By JOHN LEY, Pastor of Great Budworth in Cheshire.

—— *Above all things, my Brethren, sweare not*, Jam. 5. 12.

Falsa Juratio exitiosa est, vera Juratio periculosa est, nulla Juratio secura est. *August. serm. 28. de verbis Apostoli.*

Hereunto is added by the same Author,

A Letter against the erection of an Altar, written above five yeares agoe:

And a case of conscience, touching the receiving of the Sacrament, resolved.

LONDON,

Printed by *R. Young*, for *G. Lathum*, at the signe of the Bishops head in Pauls Church-yard. 1641.

To the right Worſhipfull

Sir *William Brereton*, Baronet. *Peter Venables*, Eſquire, Baron of Kinderton Knights of the Shire for the County Palatine of Cheſter.

and

Sir *Thomas Smith*. And To the Worſhipfull *Francis Gamull*, Eſquire. Burgeſſes for the Citie of Cheſter.

John Ley wiſheth the welfare of this, and the other World.

Right Worll. and worthy Sirs,

AS the good providence of God, and the good will of your Countrie have ſorted you together, in the deſigne of publicke ſervice of the Church and State; ſo your united Intereſts in the *cauſe* and *compoſer* of this Booke, have joyntly rather claimed as a dutie, then invited as a courteſie, that I ſhould preſent it to pub-

licke view under all your names. It propoſeth and purſueth many (as I hope a judicious Reader will upon ſerious peruſall find them) juſt and weighty exceptions againſt the late Oath of the ſixth Canon; wherein it waiteth upon the wiſdome and juſtice of your Honourable Houſe of Commons, who have voted it, to vaniſh like the ſmoake of a Canon, without a Bullet (making a great ſound, but doing no hurt) to avow your righteous and religious Act therein, againſt the miſ-conceit of ſuch as, either partially or perverſly, miſdeeme the deſerved doome which you have paſſed upon it. And if now (by your hands) it may come to the eyes of your venerable Aſſociates, it may haply find ſuch acceptance in their ſight, that by your common favour it may have the honour to appeare before the right Honourable Lords of the Upper Houſe of Parliament, and to repreſent us (who were moſt expoſed to the perill of the Canonicall Decree) the more capable of the concurrent Grace of you all, in the full and finall abrogation thereof.

And for my ſelfe (beſides my generall engagements,

gagements, with thouſands who owe you the affectionate obſervance of publicke Patriots and Patrons, in the places to which you are called) the particular favours which I have received from you in ſeverall, oblige mee this or any other way (wherein I may doe you any acceptable ſervice) to expreſſe my ſelfe

Yours, moſt ready to attend you

with humble obſervance,

JOHN LEY.

From my Lodging at the Fountaine in Pauls Church-yard, Febr. 22. 1640.

A Letter, declaring the occaſion of beginning a manner of proceeding for the penning and publiſhing of the Diſcourſe enſuing.

TO

The Right Worſhipfull, and Worſhipfull, my very reverend and worthy Friends and Brethren,

Mr. *Th. M.* D. of Ch.

Dr. *D. D.* of R.

Mr. *R. H.* W. of M. and

Mr. *Ch. H.* R. of W. and with them, to the reſt of my venerable Brethren of the Dioceſſe of Cheſter.

My worthy and well beloved Brethren and Friends,

BEſides the Doubts of the Oath propoſed in this Booke (whereof wee muſt wait for reſolution from our Superiours) there may bee ſome Doubts of the Booke it ſelfe, to which it moſt belongeth to mee to make anſwer: and therein, partly to give ſatisfaction to you; and partly, to require teſtification

cation from you, ſince to many of you a good part of what I ſhall ſay is very well knowne: and that with the reſt I ſhall reduce to theſe foure particulars; whereof, moſt as yet have either none, or at leaſt but a doubtfull apprehenſion: and wherein it is meet they ſhould be rightly informed.

1. Concerning the occaſion of the diſcourſe enſuing.

2. The preſenting of it at firſt to you; and then to him, to whom it is inſcribed.

3. The addition made in this (I may ſay) ſecond edition, though [a] yet but a manuſcript.

4. The Reaſons, why now I am willing to communicate Copies of it, which before I was nor.

[a] It was then not intended for the Preſſe.

Firſt, for the Occaſion, it was this: Some of you, and divers others (my ſelfe for one) met at W. at the monethly Exerciſe ſet up, or upheld (as is confidently delivered by divers perſons of unqueſtionable credit) with the good liking and allowance of our late learned Soveraigne, as a godly and gratefull memoriall of his Majeſties, and the Kingdomes deliverance from the Powder Treaſon.

At one of the Aſſemblies there, the Biſhop of *Cheſter* that now is, not long before hee was advanced to the Epiſcopall Chaire, beſtowed his paines in the Pulpit one part of the day, and I mine the other. At our premiſed meeting, which was Auguſt 18. laſt paſt, the ſervice of the day was divided betwixt you (M^r. *Ch.H.*) and mee, and our minds and tongues united in preſſing *Peace* and *Charity*, moſt needfull Themes for theſe crazie and diſtracted times.

Our Sermons ended, and ſome of us invited to a

place

place of convenient repose, the rest of our Tribe (who were a part of that Congregation) reforted unto us, every man accompanying his acquaintance, and so making, as it were, a whole chaine of many linkes; and withall, it is not unlike, but that the most that there met in person, met also in perplexity of mind, by reason of the late Canonicall Oath, and in their desires to be resolved of their Doubts: and they might have so much more hope thereof, as there were the more at that time, with whom, in such cases of conscience they might consult.

Howsoever, being so met, that which was the common talke of the Laity, and the particular trouble of the Clergy, could not but be a principall part of our discourse at that time; and of that, the most that was said, was the proposall of a Doubt, *Whether the Oath were doubtfull, or no?* and all of us expressing but the same conceipt (as I verily beleeve) which every one brought with him, unanimously consented in an Affirmative answer.

Our next *Quære* was, what course should be taken, either that we might not take it, or that it might be so cleared and qualified unto us, that our consciences might not be entangled by it; and for that, wee resolved to propose our Doubts of the Oath to the Bishop of the Diocesse, and by him to advance higher (though in the low and humble way of Petition) if there were cause. Then the Question was, Who should draw up our desires and doubts in writing; and the company assembled, presently agreed to put that taske upon me, which I then undertooke.

This was the worst of that daies work, which some (whose

(whoſe place and profeſſion promiſed more charity and diſcretion) have ſlandered, as a Schiſmaticall Conventicle, and a ſeditious Aſſembly; and have added to their calumnies of us, comminations of the higheſt diſpleaſure, and danger againſt us.

To what height would they have raiſed their indignation towards us, if wee ſhould have met of purpoſe to make a common purſe to maintaine our cauſe, as the [a] Clergy in *Henry* the thirds time did, againſt *Boniface* Archbiſhop of Canterbury: or, ſhould have burnt the new booke of Canons, as [b] *Luther* did the Popes Bull and Decretalls; when a meeting, in it ſelfe ſo faultleſſe and inoffenſive, is racked, to make it reach to the height of an hainous crime.

a Biſh. *Godwins* Catal. of Biſhops *p.* 116.
b Hiſt. of the Councell of Trent. *l.* 1. *p.* 12

2. The ſecond particular is the preſenting of that, which upon the requeſt of my Brethren I had performed: firſt, unto them; which I did the next Exerciſe after: (notwithſtanding my burthen of other buſineſſe betwixt them both) and received from them ſuch an atteſtation and acceptance, upon the reading thereof, as I may well take for a recompence of greater paines then it coſt mee; and which may embolden mee to adventure it upon the view of other eyes, then of profeſſed friends. From my Brethren of the Presbytery, it was next to be a graduate to the Biſhop of *Cheſter*: But while that was in deliberation [*when, and by whom to be done*] I was informed, that a Letter was written by the Archbiſhop of *Canterbury* to other Biſhops, both of this, and the other Province, not to preſſe the Oath upon any, untill the 13. of October: and for that time it was reſolved by ſome of us (to whoſe diſcre-

tion ſuch conſiderations were referred) it ſhould be reſerved.

Meane while, we had aſſured newes of a Parliament ſhortly to enſue: That (as many of us then conceived) ſo varied the caſe, that it invited us to betake our ſelves to another courſe then wee intended before; and then it was thought fit, neither ſo to ſolicite the Biſhop, as if wee did principally depend upon his favour for our freedome from the Oath; nor yet ſo to paſſe by him, as to give cauſe of ſuſpition, that he was ſlighted by us: and therefore about the 14. of October I brought him the Booke at firſt, eſpecially prepared for his reading; which I told him, I tendred not to him then as an Agent for the Clergy, but as of mine owne private and particular reſpect unto my Dioceſan: which was ſuch, that I would not conſent (though much importuned) that any ſhould have a Copie of what I had compoſed, untill it were firſt offered to his peruſall, for which it was at firſt intended, and by joynt conſent concluded among us.

Thirdly, for the addition now made to it, I may ſay truly, and ſome of my Brethren can teſtifie with mee, that the moſt of it was penned before any part of it was ſent to the ſight and cenſure of the Miniſters at W. and I therefore kept backe divers ſheets of it of purpoſe, that it might not be too long for their leiſure, at their firſt meeting (after it was finiſhed) to reade it together.

And now, ſince upon notice of more they will not reſt content with a part, leſt they ſhould ſort mee to

c Act. 5.3. c *Ananias* and *Saphyra* (for a ſacrilegious detention)

I am

I am reſolved to communicate the whole firſt unto you, and then by you unto others.

And for this I am now in the fourth place to render ſome Reaſons; and they are chiefly theſe:

Firſt, to gratifie my Brethren and Friends, who importunately preſſe mee, to make them partakers of my private Dictates concerning the Oath.

Secondly, to juſtifie our refuſall of it, which ſome have ſupercilioufly cenſured, as proceeding of ſimplicity; and ſome uncharitably, as ſavouring of contumacy, or of hypocriſie: as if wee did but pretend a tenderneſſe of conſcience; and therefore that wee would be ſure to take it, rather then ſuffer any thing for ſtanding out againſt it.

Thirdly, to rectifie the miſtaking of divers tranſcripts of my Booke from the firſt Copy (which are ſpread abroad in many places, either without my knowledge, or againſt my will) ſome whereof I have ſeen, and by them have found out a double falſhood: the one of theft, in ſtealing of Copies (without my conſent) the other of lying, in putting their ignorant or curſory ſlips upon mine accompt, as if I had made them.

Fourthly, to cleare the doubt of ſome, and to confute the miſ-report of others, who give out, that I am the Author of a Booke intituled, *Englands complaint to Jeſus Chriſt againſt the Biſhops Canons*; wherein I was a meere ſtranger, for the matter of it (untill I ſaw it in print) and am yet for the maker of it now it is printed; and though ſuch as well know mee, will no more beleeve it to bee mine, then mine[d] ingenuous friend would doe (who with his advertiſement of that

[d] Mr. E. B.

mis-taking, wrote thus unto mee: *I am confident, you never wrote it: for, it savours nothing either of your stile, spirit, or judgement.* Whereupon, *I have made bold in your name to disavow it*) yet for prevention of mis-prision in others, it will doe well, that this Booke bee extant as well as that; and so may such, as will bee pleased to compare them, see more difference betwixt them, then betwixt [e] *Menanders Andria* and *Perinthia*, which, though they were composed in a various phrase and stile, were yet so like, both in their argument and genius of the Poet, that *he that knew the one, must know them both*, as sister-births of the same Authors braine, which I dare confidently averre, no well advised Reader will suspect of the Book, which modestly discourseth of the Doubts of one Canon, and that Booke, which peremptorily condemneth them all: and yet, if not onely private fancy, but publicke fame should father it upon mee, I should not take the matter much to heart, since the other day, *The most reverend father (and for his rare learning, constant preaching, and consonant living, the most renowned Archbishop of Armagh) told mee of an egregious imposture, putting his name to a late Pamphlet (whereof not so much as one line was his) which passed abroad a while as a Manuscript, but was presently by printing to proceed to more publick notice, if he had not opportunely procured an Order (from the Honourable House of Commons in Parliament) to the Master and Company of Stationers to prevent the impression; whereof (giving me some [f] printed Copies of it) he willed mee, to give an Advertisement thereof to the Readers of my Booke, that neither himselfe nor others might be any more abused by such a fraudulent*

e Menander fecit Andriam & Perinthiam, qui utramvis rectè norit, ambas noverit; non ita sunt dissimili argumento. *Terent. in Prolog. in Andr.*

f According to the Tenour set downe, as hereafter followeth.

fraudulent forgery, and I might ſay impudent alſo: for, what impudence was it to impoſe ſuch a diſcourſe upon his Fatherhood, a perſon ſo well, ſo generally knowne, and not more knowne, then honoured throughout the Chriſtian world, and yet not by death tranſlated to another life, but alive and lively, in very good health, nor (for the preſent) at a remote diſtance in Ireland, but in England, in London, where hee might be ſure to be ſoone informed of the wrong, and find a ready way to right himſelfe? " Which may be a conſiderable occaſion and " motive, to all men of eminent Abilities (of whoſe " worth the world hath taken notice by their workes) " to leave a perfect Regiſter of the legitimate iſſue of " their ingenious and ſtudious conceptions (intended " and prepared for publicke uſe) that when they are " dead, no ſuppoſititious brats may bee thruſt in a- " mong them, to claime a childes part of their fathers " reputation.

To conclude (for, this ſhort digreſſion ended) I have done with this Introductory Diſcourſe: If while I endeavour to avoid the inconveniences fore-mentioned, I expoſe my ſelfe (by a more generall view of this diſcuſſion of the Oath) to more variety of cenſures, which from ſome are like to bee ſevere enough (for ſuch as have thought us worthy to be undone, if wee dare not ſweare, no doubt will entertaine theſe Doubts and Reaſons with diſtaſte) I ſhall not need any other cordiall againſt their miſ-conceits, then to reflect firſt upon the integrity of mine intentions, and the fidelity of my performance of this ſervice; and then upon the conſiderate ſubſcriptions of ſuch unto it, as

for their quickneſſe of conceit, and ſoundneſſe of judgement (ſo farre as I can judge) are as well qualified for the[g] Criticall Chaire, as I can conceive them to be, who with a daſh of their pen would cancell what you and many others have confirmed with your hands. To whom, with the reſt of my reverend Brethren, I moſt willingly remaine

g Vocabantur Critici quidam docti, qui de ſcriptis aliorum judicabant reponendáne eſſent in Templo Apollinis, an rejicienda. *Eraſm. in Epiſt. Hieron. ad Ruſtic. tom.* 1. *pag.* 52.

A moſt entire and affectionate

Brother, to love and ſerve you,

JOHN LEY.

From my Lodging at the Fountaine in Pauls Church-yard, Febr. 23. 1640.

Die Martis, 9. Febr. 1640.

WHereas complaint hath been made unto us by James Lord Archbiſhop of Armagh, and Primate of all Ireland, that a certaine Pamphlet hath been lately moſt injuriouſly fathered upon him, and ſpread abroad under the falſe title of The Biſhop of Armagh's direction to the houſe of Parliament, concerning the Liturgie and Epiſcopall Government: It is this day ordered in the Commons Houſe of Parliament, that the Maſter and Company of Stationers, and all others whom it may concerne, ſhall take ſuch courſe for ſuppreſſing of the ſaid Book, that they ſhal not ſuffer it to be put in print, or if it be already printed, not permit the ſame to be divulged. And if any ſhall preſume to print or publiſh the Booke above-mentioned, That he, or they, ſhall be then liable to the cenſure of the ſaid Houſe.

H. Elſynge Cler. Domus Comm.

A Preface to the READER, written by *N. E.*

Shewing that the Book (concerning the Oath, decreed in the ſixth Canon of the late Synod) as it was penned in good ſeaſon; ſo it is now publiſhed not out of ſeaſon: ſince it is yet of good uſe, to divers purpoſes, of great and permanent importance, when both the Oath and Penalty be wholly ſuppreſſed.

WHen the Authour of this enſuing Treatiſe compoſed it, there was (by reaſon of the new enjoyned Oath) much doubt and diſtraction among many godly and learned Miniſters; and (for their ſakes) among the people alſo, whereto theſe Doubts, and Hopes, and Reaſons miniſtred a ſeaſonable remedy: for, the Doubts put many out of doubt, that the Oath, as it was framed, was to be refuſed: the Hopes (for all that) upheld the heart againſt deſpaire of ſafety, from the commination of the Canon; and the Reaſons gave ſupport unto them both: and all together (with the learned

learned ingenuity and pious modeſty, diffuſed through the whole frame and ſtile of the worke) have ſo taken the hearts of divers Divines of eminent note (for their good parts and great paines in their holy callings, among whom were ſome, whoſe dignity in the Church was by the Canon to be ſecured from alteration) as to obtaine their hands, for ſubſcription unto it; and to cauſe both them and many more to importune the publication of the Book (though the Oath it ſelfe, and Penalty annexed to it, were diſanulled) ſince the *matter* and *manner* of it are both of that kind, which may at any time entertaine a diſcreet and religious Reader with profit and delight.

For firſt, albeit the Oath gave the motive to it, yet it is not the Oath that makes the meaſure of it: for (beſides that) it compriſeth many very obſervable matters, concerning the purity of Religion (without mixture of Idolatry) the duties of Chriſtianity, the predominance of Prelates, and priviledges of Presbyters, with many other particulars of moment, worthy of the publicke view, if that ſo offenſive, and (in reſpect of ſome I may ſay) formidable Canon, had never beene made.

And for the Oath it ſelfe, this Booke will preſent unto the Reader very many conſiderable advertiſements, which no diſtance of time will put out of date: Concerning

Firſt, *the Synod of Divines, by whom the Canon was decreed.*

Secondly, *thoſe by whom it was diſliked, when it was knowne.*

Thirdly, *their freedome from it, who were in danger by it.*

First, for the Synod of Divines, the many & weighty exceptions against the Oath, give just reason to suspect, that it was not framed by common consultation among them, but devised by some one, or some few (at the most) who over-awed the rest, and so obtruded it upon them, without their good liking; though great feare of opposing, and little hope of prevailing; which held them from making any open resistance against it.

To this purpose hath something been said on both sides: for, on the one, it was told by a Favourite of a man of great power in the Synod (as in praise of his prudence) that hee composed the Canons before the Clergy assembled: and on the other side (which belongs to the second particular, and leads us to it) some of the Synod have professed so much dislike of that Canon of the Oath, that had it been in their power to suppresse it, it should never have proceeded beyond the breath that first put it forth.

And for the learned and pious Composer of these animadverſions upon it, though hee were a Clerke of the Convocation at Yorke, he never heard of it, untill it had obtained its finall approbation, both in that and the other Province; wherein yet hee was not wanting for the use of fit meanes, for his due information: for knowing that the Assembly at London was the Diall, that at Yorke but the Clocke, which was usually set and regulated by it: presently after his returne from the first Session at Yorke, hee addressed himselfe towards London for intelligence at the first hand, that when the Canons were transmitted thither, hee might be sufficiently instructed (upon good grounds) to give or deny his assent unto them: and so to doe either, that

he

he might not be alone in that choice, whereto his conſcience did encline him.

But being on his journie, hee was confidently certified (by the way) that the Parliament was diſſolved, and with that hee conceived, both the Convocation and his Clerkſhip were expired: and therefore that he was diſcharged of further care and paines for ſuch a purpoſe; and if the cauſe had not been carried more by the power of ſome few, then the approbation of moſt, it might be matter of very great marvell, that ſo many, ſo great Clerkes ſhould give their aſſents to a thing (to bee aſſur'd upon Oath) which is ſo many waies ſubject to doubtfull conſtruction.

And this may bee a juſt ground to all judicious and conſcionable Divines, to deſire a Synod of another Conſtitution; wherein there may be more freedome, for diſcuſſion and determination of Eccleſiaſticall matters, then was in that, or can be expected in any of that kind.

Beſides ſuch as were members of Provinciall meetings, there were many more who were offended at the Oath, not only thoſe who were affrighted with the penalty (eſpecially the moſt conſcionable Clergy) but many of the Laity (of the beſt ſort and higheſt rank) have petitioned, pleaded, and, as it is now commonly reported, the Honourable Houſe of Commons have voted it downe (though the right Honourable Lords of the Upper Houſe have not yet ſo far declared their judgements againſt it.)

To theſe this booke may doe ſome acceptable ſervice, as a juſt and complete Apology againſt that Canon, which decrees for it, and ſo ſeverely threatens the

refuſall of it) and againſt them, who ſo far favour it, as to referre all the Doubts and Quæres about it, and Reaſons againſt it, rather to perverſe prejudice of thoſe that find fault with it, then to any juſt cauſe of exception in the Oath it ſelfe: adding with great confidence in it, and no leſſe contempt of ſuch as condemn'd it, that, *If any of the Apoſtles, yea, or Chriſt himſelfe had penned it* (a ſuppoſition of meere impoſſibility) *ſuch men would yet have been cavilling againſt it.*

I can name the man that ſaid it, & ſomwhat elſe (not much better to the ſame effect) and it may be an Apology likewiſe for ſuch as diſlike it, againſt thoſe who have taken upon them by writing to defend it, as containing nothing in it, that may offend the conſcience (if the judgement be not too weake, or the paſſion too ſtrong) whoſe papers have been too paſſent, and too much prevailed with ſome, who have not ſeene this diſcourſe, wherein the Author diſcovers their gloſſes upon it to bee but as the gildings of a rotten Nutmeg, though he forbeare their names, out of reſpect unto the common peace, and to their reputations in particular, who muſt needs ſuffer with it, ſo far as they are oppoſed as Apologiſts for it: ſince as one of them acknowledged (in the beginning of his anſwer to the Quæres of the Miniſters of London) *that the noiſe againſt the Oath grew every day lowder and lowder, and that it was loaded with publicke and popular infamy:* and ſo it is like hee ſhould have more need of pardon (as for a preſumptuous undertaking in that cauſe, being but a private perſon) then that he could bring ſufficient aide to juſtifie the Oath, which (not without juſt cauſe) had incurr'd ſo much condemnation.

Thirdly,

Thirdly, if we consider their freedome from it, who were in danger by it (& they were *many good Ministers*, who (if the swearing Canon had continued in force) must have suffred losse of their liberty, and livelihood; and *very many good people*, who were like to be deprived of their loving and laborious Ministers) this Book may be of very good use, as a ready memoriall of such a mercy to them all, as cannot bee forgotten, without wicked ingratitude: first to God, and next to those worthy and honourable persons, who have been the patrons of their present comfort, and protectours of them from the pressure of this rigorous innovation: and unworthy were they (surely) of so great a favour, if they should thinke, that when the Oath is condemned, they are forthwith discharged from any farther thought or consideration upon it.

For mine owne part, said a worthy Divine (and I am of his mind) *I shall endeavour alwaies to keep such an impression both of the perill and disappointment of the project, for which the Canon was contrived, that the* [b] *second of November (the day designed for the execution of the decree of that Canon) shall be to me as one of the dayes of Purim, for hearty thanksgiving for deliverance from it; and this Booke shall supply me with proper lessons for the service of that day.*

Whereto, as for the matter it is very pertinent; so for the stile and manner of writing, it cannot but bee pleasing to an ingenuous and well composed spirit, since it runnes (with an equitable temper of judicious moderation) without all mixture of humour or passion, and neither mounts too high, with any straine of presumption, nor coucheth too low by any servile insinuation.

b All Soules day, a day of high estimation with the Papists; which festivity would (no doubt) have advanced to a higher degree of jollity, if it had been (as it was like to be) a day of distresse to the best Ministers, whom they account as their worst enemies.

It may be, ſome will conceive it hath too many reliſhes of reverence to Biſhops, becauſe the tenure of their Authority is therein queſtioned, and the abuſe of it deſervedly diſliked by the beſt of all ſorts; but that will be no matter of exception, if they conſider

1. That when the book was firſt penned, and openly avowed by the Authour, thoſe Canonicall Dictators (who compoſed the Oath, and propounded it to the reſt for their ratification) were at the higheſt pitch of Eccleſiaſticall Prelation: and that their power came forth armed with a new plantation of terrible Canons.

2. That they have long enjoyed, and yet are poſſeſt of an awfull preheminence over their Brethren.

3. That however their callings be accounted of, the perſons of many of them, in reſpect of many excellent endowments in them, are in good manners and accuſtomed civility, to be entertained with reſpective termes, which have been allowed even to thoſe who have been thought bad enough to bee depoſed from their Epiſcopall dignities; as by this learned Authour, out of the Councell of Calcedon upon another occaſion is obſerved in another worke (which, I hope, ere long will come to light.) The words of the Councell, as wee have them delivered by [b] *Evagrius*, are theſe: *It ſeemeth good to us, and no doubt God approveth the ſame, that* Dioſcorus *the moſt reverend Biſhop of Alexandria (if ſo pleaſe our Lord the Emperour)* Juvenalis *the moſt reverend Biſhop of Jeruſalem*, Tealaſſius *the moſt reverend Biſhop of Armenia, ſhould be puniſhed, and alike depoſed from their Biſhopricks, by the ſentence and judgement of the Councell, and bee at the Emperours pleaſure.*

b *Evagr. Scholaſt. l. 2. c. 4.*

To

To conclude (for this Book) if there were any need to commend it to common acceptance, by especiall approbation, I could (had I the Authours consent to this purpose) produce many Letters of such as have read it, and are best able to judge of it; but that would bee in this case a superfluous service; and it will be enough to take notice of one of them, which is as followeth:

Reverend Sir,

YOur Treatise of the Oath is a very excellent Cõment upon a bad Text, fit to be made publick for the common good, not onely for the present, but for after times. And as was said (by one) of Adams *fall, that it was* fœlix culpa, *in that it gave occasion to the manifestation of so great a mercy to mankind as followed thereupon; so may I say of the unhappy Oath (unhappy in respect of it selfe) that it was* fœlix Juramentum, *an happy Oath, in respect it induced the production of such a profitable discourse upon it; very profitable doubtlesse, if it may become as universall as it is usefull, which is the humble and hearty desire of him that professeth himselfe*

Yours in all offices of a friend and servant,

G. J.

Having had opportunity to peruse many such Letters, I have made choice of the shortest, because I would not (any longer) withhold the Reader from the principall provision prepared for him: whereto I now shall willingly dismisse him.

N. E.

CAN. 6.

An Oath enjoyned for the preventing of all Innovations in Doctrine and Government.

THis present Synod (being desirous to declare their sincerity and constancy in the profession of the Doctrine and Discipline already established in the Church of England; and to secure all men against any suspition of revolt to Popery, or any other superstition) decrees, that all Archbishops, Bishops, and all other Priests, and Deacons, in places exempt, or not exempt, shall before the second of November next ensuing, take this Oath following, against all Innovation of Doctrine or Discipline; and this Oath shall be tendred them, and every of them, and all others named after this Canon, by the Bishop in person, or his Chancellour, or some grave Divines named and appointed by the Bishop under his Seale; and the said Oath shall bee taken in the presence of a publick Notary, who is hereby required to make an Act of it, leaving the Universities to the provision which followes.

The

The OATH is,

I *A. B.* doe ſweare, that I doe approve the Doctrine and Diſcipline or Government, eſtabliſhed in the Church of England, as containing all things neceſſary to ſalvation: And that I will not endeavour by my ſelfe, or any other, directly or indirectly, to bring in any popiſh Doctrine, contrary to that which is ſo eſtabliſhed: Nor will I ever give my conſent to alter the Government of this Church, by Archbiſhops, Biſhops, Deanes and Archdeacons, &c. as it ſtands now eſtabliſhed, & as by right it ought to ſtand; nor yet ever to ſubject it to the uſurpations and ſuperſtition of the See of Rome. And all theſe things I doe plainely, and ſincerely acknowledge, and ſweare, according to the plaine and common ſenſe, and underſtanding of the ſame words, without any equivocation, or mentall evaſion, or ſecret reſervation whatſoever. And this I doe heartily, willingly and truely upon the faith of a Chriſtian. So help me God in Jeſus Chriſt.

Concerning the Oath, and Penalty thereof, impoſed by the ſixth Canon of the late Synod.

DOubts, and Hopes, with the Reaſons of them both, for the moſt part delivered into the hands, and intended wholy to be preſented to the prudent and religious conſideration of the reverend Father, John *L. Biſhop of Cheſter, in the names of the Divines, Phyſicians, and Schoole-maſters of his Dioceſſe.* pag. 1.

1. Generall DOUBT.

Doubts in Generall.

1. *Whether this Oath (if it be tendred and taken) be not a taking of the Name of God in vaine, againſt the third Commandement.* pag. 3.

2. *Whether this Oath may be taken in faith, without which, the taking is ſinne,* Rom. 14. 23. pag. 11.

3. *Whether the ſixth Canon, as it is charged with this Oath, and Penalty, be not like to croſſe the chiefe end, whereat his Majeſty aimed, in granting his Commiſſion for a Convocation or Synod.* pag. 11.

1. Particular DOUBT.

Doubts in Particular.

1. *What is meant by Diſcipline and Government, whether the ſame things, or no; and, if the ſame, what they be.* pag. 14.

2. *What is meant by the Church of England.* pag. 16.

3. *Why*

3. *why the Diſcipline is linked with the Doctrine of the Church of England, for neceſſity of ſalvation.* pag.18.

4. *What is meant by Popiſh Doctrine.* pag.32.

5. *What eſtabliſhment of Doctrine is here meant; and how farre it may be ſaid to be eſtabliſhed.* pag.39.

6. *whether the degrees here ſpecified, be propounded to be allowed in the ſame, or in a different degree of aſſent and approbation.* pag.43.

7. *What Deanes are here meant.* pag.44.

8. *What is the Authority or Government of a Cathedrall Deane.* pag.45.

9. *What is the Authority or Government of a Deane Rurall.* pag 48.

10. *What is the Authority or Government of Archdeacons.* pag.51.

11. *Whether we may ſafely take a new Oath, with an &c.* pag.55.

12. *How farre the &c. is to be extended, when it is expreſly declared.* pag.56.

13. *What Governours are included in the &c. whether the King, as Supreme, be altogether omitted, or implicitely contained in it.* pag.56.

14. *Who, and what Governours they be.* pag.59.

15. *whether the eſtabliſhment of the Adjuncts, or the not neceſſary appendences of Biſhops be to be ſworne unto in this Oath.* pag.62.

16. *what the Right is, by which the Government is meant to ſtand.* pag.65.

Of Archbiſhops and Patriarchs. pag.71.

17. *How farre this perpetuity propounded is to be applyed*

plyed to the Discipline or Government of the Church. pag.79.

18. *Why we should sweare against consent, to alter the Government of the Church.* pag.84.

19. *whether, if we should thus sweare, wee should not be entangled with contradiction to our Governours, and to our selves.* pag.85.

20. *why in this part of the Oath mention is made rather of the* See of Rome, *then of the* Church of Rome. pag.92.

21. *How we can sweare to a plaine and common sense and understanding of the Oath.* pag.94.

22. *What willingnesse is required in the taking of this Oath.* pag 95.

23. *How the Doubts of the Oath may bee resolved and cleared.* pag.96.

24. *Why the sons of Noblemen are excepted and priviledged from taking this Oath, when they take the degrees of Masters of Arts.* pag.103.

25. *Concerning the difference, betwixt the command and commination of the Canon.* pag.106.

Our HOPES.

Our Reasons, and Grounds of them are foure:

1. Reason grounded on *Piety.* pag.112.
2. The second on *Charity.* pag.116.
3. On *Equitie.* pag.120.
4. On *Policie.* pag.122.

Concerning

Concerning the Oath and penaltie thereof, impoſed by the ſixth Canon of the late Synod.

Doubts, and Hopes, with the Reaſons of them both, for the moſt part delivered into the hands, and wholly intended to be preſented to the prudent and religious conſideration of the reverend Father, John *L. Biſhop of Cheſter, in the names of the Divines, Phyſicians, and Schoole-maſters of his Dioceſſe.*

THe impoſition of an Oath (being regularly made to be a ſeale of faith to thoſe that impoſe it) doth reaſonably preſuppoſe as much ſatisfaction and confidence in him, that doth take it (touching the manner and meaning thereof) as by ſuch a ſacred atteſtation, may be ſet upon the mind of him that doth tender it. For, as the impoſer expecteth thereby to bee aſſured of the intention and integrity of the taker of the oath; ſo hee that taketh it (that hee may

the better imprint that perſwaſion in him) ſhould firſt be aſſured himſelfe, that with a ſafe conſcience it may be taken. An hypocriticall oath (wee confeſſe) may beget a beliefe, but it is not lawfully begotten by any that doth not ſweare in ſincerity.

The due conſideration hereof hath taken up our moſt intentive thoughts, which in their iſſue have arrived at this reſolution of our reverend brethren the Profeſſours of Aberdene: [a] *wee ought* (ſay they) *to judge of thoſe things we are to ſweare to, with the ſtrict and inquiſitive judgement of verity, and to ponder duly, and to propound particularly and fully to others (eſpecially to thoſe who require our oath) to ſatisfie our conſciences there anent, and to anſwer all the Doubts and Reaſons, which make us unwilling and affraid to give our aſſent thereto.*

a The generall demands of the Miniſters and Profeſſors of Aberdene, *p.* 37.

And for this purpoſe eſpecially, wee are to make our addreſſe to your Lordſhip, by direction of our late *learned Soveraigne, and of the Fathers of our Church, in theſe words, [b] *For as much as nothing can almoſt be ſo plainly ſet forth, but doubts may ariſe in the uſe and practice of the ſame, to appeaſe all ſuch diverſity (if any ſuch ariſe) and for Reſolution of all doubts concerning the maner how to underſtand, doe, and execute this booke* (ſcil. the book of Common Praier) *the parties that ſo doubt, or diverſly take any thing, ſhall reſort to the Biſhop of the Dioceſſe, who by his diſcretion ſhall take order for the quieting and appeaſing the ſame — and if the Biſhop himſelfe bee in doubt, hee may ſend for reſolution thereof to the Archbiſhop.*

* Conference at Hampton Court, *p.* 57.

b The Preface to the book of Common Praier, *pag* 2. printed 1625.

What is here expreſly preſcribed (touching the explanation and practice of that booke) we conceive doth

doth vertually belong to our present case, concerning the Oath by the sixth Canon lately imposed: and thereof wee make bold to present to your Lordship these doubts ensuing; which if you please not to answer your selfe, wee humbly beseech you to transmit them to an higher Judge, with your favourable testimony of us that move them, as of men (for a good part) well knowne to you to bee studious of the publicke peace, and no way affected to faction or novelty, which you may charitably conceive of the rest, whom you know not; since all of us agree (not onely as brethren among our selves, but as sonnes to the reverend Fathers of the Church) to keep both the Kings and the Churches high-way, in a graduall promotion of our scruples towards due satisfaction; which thus wee propound, beginning first with the generall doubts, and so proceeding to doubts in particular.

THE OATH.

I *A.B.* doe sweare, that I doe approve, &c.

1. Generall Doubt.

Whether this Oath (if it be tendred and taken) be not a taking the Name of God in vaine, against the third Commandement? 1. Generall Doubt.

THE REASON.

BEcause, as wee suppose, there is no need of it (in respect of Ministers especially) for security either of Doctrine or Discipline against Innovation: for Doctrine

ctrine (as againſt the Papiſts, the principall enemies unto it) the Lawes of the Land, and Conſtitutions of the Church (without this Oath) ſufficiently provide, if they be anſwerably executed: and for ſuch, if they be conſcionable, they will not take it; if unconſcionable, (though they take it) they will not keep it: for they will eaſily bee perſwaded to ſlight this Oath, as they doe the oath of [d] Allegiance, whereof ſome of them ſhew how the cautions of it againſt equivocation, mentall reſervation, and Papall diſpenſations may bee eluded, and ſay, that the *Oath*, as *unjuſt* (ſo ſoone as it is taken) is preſently *nullified ipſo facto*.

d Videre non potuit, ſi Pontifex juramentum diſſolverit, omnes illius nexus, ſive de fidelitate Regi præſtanda, ſive de diſpenſatione non admittenda diſſolutos fore.—Imò jùramentum injuſtum neminem obligat, ſed ipſo facto nullum eſt. *Lyſim. Nican. pag. 54. ex Paſcenio.*

But for Miniſters eſpecially, it ſeemeth unto us to be altogether needleſſe; ſince they, having according to the [e] Canons of the year 1603. ſubſcribed to the Kings Supremacy, the Articles of Religion, and the Booke of Common Praier, and of Ordination, with all their contents (wherein the order of Biſhops, and degree of Archbiſhops is contained; and which is compaſſe enough for a well compoſed conſcience) are [f] ſentenced (if they revolt from their ſubſcription) firſt, to Suſpenſion; ſecondly, to Excommunication; thirdly, to Depoſition from the Miniſtry. Rigour enough for verball commination, and (in reſpect of ſome degrees of offence recorded in the Canon) ſomewhat too much for reall execution; ſo that there is no need of more ſecurity by aſſent to the things required, then the ſubſcription to the three Articles of the 36. Canon, and the ſeverity of the 38. Canon againſt ſuch as revolt from that ratification.

e *Can. 36. & 37.*

f *Can. 38.* ſee alſo *Can. 8.*

And

And, by that wee reade in the Archbishops late reply to *A.C.* it seemes confession and subscription are enough (for that we professe in point of faith) to give satisfaction and assurance of our sincerity, even to a professed adversary; for, when *A.C.* had said, [g] *that it is not sufficient to beget a confidence, in this case to say we beleeve the Scriptures, and the Creeds, he returneth him this answer:*

g Archb. *Laud* in his relation of his conference with *Fisher*, p. 326.

But if wee say it, you are bound in charity to beleeve us; for I know no other proofe of faith, but confession of it, and subscription to it: and for these particulars, wee have made the one, and done the other; so it is no bare saying, but you have all the proofe that can bee had, or that ever any Church required.

If his Lordship had remembred this, at the late Synod, it may be he would not have thought it meet to require us to sweare beyond our confession and subscription formerly made; for why should hee, or the rest of the Synod, have lesse faith and charity to entertaine our testification, then we may justly expect from our Popish opposites, or require more of us then any Church ever did hitherto?

Long before these Canons were set forth, and [h] soone after the reformation of Religion by Queene *Elisabeth*, *there were* (we confess) *certain protestations to be made, promised, and subscribed by them that were afterwards to be admitted to any office, roome, or cure in any Church, or other place Ecclesiasticall.*

h Queen *Elisabeth* began her reigne Novemb. 17. *an.* 1558. and these were published *ann.* 1561.

But we conceive (besides other differences to bee touched under another title) that neither these protestations are equivalent to such a solemne oath, as now

is required of us, nor that there is such need of it now, as there was of them at that time.

Object. If it be said, that in these times there is such division and distraction among us, that there is need to fasten us together by such a sacred bond as that of the Canon:

Answ. Wee thinke it reasonable to reply, That neither the want of such an oath was the cause of the distemper of the times, nor that the urging of it will be a convenient cure thereof; but rather the contrary: since there is more agreement betwixt peace and love, which may best be preserved where offensive things are not urged; then betwixt love and compulsion, especially, if (as of this oath it is conceived) it incroach upon the conscience, without any great need (as from them that require it) or without sufficient ground to satisfie such as should receive it.

And wee see by the operation of it already, daily producing more and more dislike of it, that it is not like to be a remedy against any malady already discovered; but rather a meanes to exasperate the disease (though this bee besides the intention of them that propound it) whereof there was the lesse need: because, as our learned and religious brethren the Divines of Aberdene have observed, [1] *There bee other meanes more effectuall for holding out of Popery* (and so of any other unlawfull Innovation) *in which we ought to confide more then in all the vowes & promises of men: yea also, more then in all the united forces of all the subjects of this Land: to wit, diligent preaching and teaching of the word, frequent prayer to God, humbling of our selves*

[1] Generall Demands of the Ministers and Professors of Aberdene, *pag.* 29.

ſelves before him, and amendment of our lives and converſations, and arming our ſelves againſt our adverſaries, by diligent ſearching of the Scriptures, whereby we may increaſe in the knowledge of the truth, and in ability to defend it againſt the enemies of it.

These have been the chiefe meanes to advance both the Doctrine of truth, and the Diſcipline of manners; and they will be the beſt meanes to hold them up ſtill: with them there will be no need, without them none aide by oaths of this kind.

There be ſome that ſay, This Oath was framed for tryall how men ſtand affected to the preſent government, and whether they be inclined to ſuch a change in the Eccleſiaſticall ſtate for Doctrine or Diſcipline, as tendeth to diſturbance of the civill government alſo, eſpecially to derogation from his Majeſties Authority: this is partly implyed in the Preface of the Oath, which beginneth thus; *This preſent Synod, being deſirous to declare their ſincerity and conſtancy in the profeſſion of the Doctrine and Diſcipline eſtabliſhed in the Church of England, and to ſecure all men againſt ſuſpicion of revolt to Popery, or any other ſuperſtition, &c.*——and in this reſpect they conceive the Oath is of neceſſary uſe. To ſuch as thus plead for it, we thinke it meet to make this anſwer,

1. Concerning the venerable Synod, that though ſome perſons in it, being ſuſpected of unſound Doctrine, of a Popiſh ſtraine, might doe very well to give all due and probable ſatisfaction, to acquit themſelves of that imputation (wherein we are perſwaded of ſome that they have been untruly traduced) yet wee conceive this Oath not ſo pertinent to that purpoſe, as is alledged;

alledged; becauſe the third Canon, which inſiſteth much in the diſcovery and purſuit of Papiſts, and none elſe, importeth more oppoſition to Popery then this ſixth Canon doth, which requireth the Oath; ſince (as wee ſhall manifeſt in another place) it commeth with a deeper charge againſt thoſe who are the greateſt Adverſaries of Popery, then againſt Papiſts themſelves.

Secondly, for the other part of the Oath concerning Diſcipline, or the government by Archbiſhops, &c. we apprehend no need of an Oath, to declare the ſincerity and conſtancy of the Synod in that reſpect; for who maketh doubt, but *Archbiſhops, Biſhops, Deanes*, and *Archdeacons* (who carry moſt ſway in all our Synods) are willing enough to maintaine their dignity and authority, and unwilling to ſubject either of them to Papall uſurpations. He is a man of little faith who will not take their bare word for that, without an Oath, or will require ſo much; for no reaſonable man can thinke otherwiſe of them, though they ſay nothing.

For we cannot imagine, if it were but for the Archbiſhops owne ſake, that he (ſitting as Preſident of the Synod) would ever ſubmit to any uſurpations of the See of Rome; ſince hee knoweth, and would have others know from him (for hee hath publiſhed it in print) that the Pope hath acknowledged [k] *Anſelme, a worthy Predeceſſour of his in the See of Cant. for his owne compeere, the Apoſtle and Patriarch of the other world.*

k Pope *Urbane* the ſecond, accounted my worthy Predeceſſour Saint *Anſelme*, as his owne Compeere; and ſaid he was the Apoſtle and Patriarch of the other world. So Archbiſh. *Laud* in his relation of his conference with *Fiſher*, p. 171.

And

And hee ſheweth himſelfe willing enough to take his Holineſſe at his word, and to keep him out from all command over the *Britaine* Church, alledging [l] *that it was never ſubject to the See of Rome*, having a Primate of its owne; and that Primate for the preſent is himſelfe.

[l] *Ibid. ex Guid. Pancirol.*

Thirdly, for others, this Oath can be no good Criterion, to try mens ſincerity to either Doctrine or Diſcipline; for many things by divers may bee beleeved, liked, and preferred, before any other of that kind (ſo that they would bee loth to change them) and yet may they be unwilling to take an Oath for conſtancy to them.

For inſtance, wee beleeve kneeling at prayer to bee lawfull, laudable, and the beſt geſture wherein to preſent our devotions to God; yet wee would not be put to ſweare never to conſent to a conſtitution for ſtanding at prayer, ſince for it there is, firſt, [m] Scripture; ſecondly, a Decree in the firſt [n] Nicen Councel; thirdly, a continued practice of it in the Church for [o] many hundred of yeares together.

[m] Mar. 11. 25 Luk. 18. 11.

[n] Conſona & conveniens per omnes Eccleſias cuſtodienda conſtitutio eſt, ut ſtantes ad orationem vota Domino reddamus. *Concil. Nicen. 1. Can.* 20.

[o] From before *Tertullians* time, untill *Anſelme* Archbiſh. of Cant.

Fourthly, many of thoſe who, in regard of the manifold doubts involved in the Oath, are affraid to take it, have given better evidence of their ſincerity concerning the ſtate, both eccleſiaſticall & civill, then can be expected of moſt that take the oath (without any doubt or examination at all) & if yet there be doubt of them, they may be put to the tryall of the firſt Canon concerning the Kings Authority, and the eight made for preaching for conformity, both decreed by this laſt Synod, which may bee ſufficient for full ſatisfaction without an Oath; and yet they that dare not bee peremptory

emptory in every particular (in those Canons determined) may for all that bee as farre from all disposition to trouble either Church or State with any Innovation, as they who would set the seale of an Oath to every line of them.

Fifthly, though we doubt not, but divers who have taken the Oath bee very learned, grave, and godly persons, and have done it (as they conceive) with due consideration, and good conscience; yet it cannot bee denied, but many may be too forward to sweare, without any care or use of either: either out of *hope* to bee held very heartily affected to those who have meanes to promote them (the hope whereof, as *Æneas Silvius* observed, made more to adhere to the Pope, who gave preferments, then to the Councell, who had none to give) or out of *feare* of their dis-favour, who have power to lay heavie pressures upon them.

And in respect of such the Oath is of no use or force, since the same affections (not regulated by Reason and Religion) will incline (with the alteration of times) to quite contrary effects.

Lastly, so many of all sorts, both of the Clergie and Laitie; yea, many of those who hold Episcopall imparity the best government of the Church, and are no way addicted to the Presbyterian Discipline, dislike this Oath so much, that howsoever this Canon may discover some difference betwixt those, whose lot the wise man sheweth may be alike (*viz.* betwixt *him that sweareth, and him that feareth an oath, Eccles.* 9.2.) yet not that difference which may bee cause either of assurance of them that take it, to the doctrine or government of the Church,

or

or of juſt jealouſie or ſuſpicion of them that refuſe it.

2. Generall Doubt.

Whether this Oath may be taken in faith, without which the taking is ſinne. Rom. 14. 23. 2. Generall Doubt.

THE REASON.

BEcauſe it comprehendeth ſo many things of ſeverall kinds (and divers of them unknowne unto moſt of us) that though wee be ready to beleeve, and receive ſome of them ſingle, our faith cannot fadome them altogether; and ſo wee cannot ſweare without doubting: and if doubtfull ſwearing bee as dangerous as doubtfull eating (as wee conceive it is, and ſo may feare wee may be damned for it by the doome of the Apoſtle in the fore-cited place) wee can neither with confidence nor ſafety take this Oath, untill we be better reſolved of the true meaning thereof; and ſo (as it ſeemeth to us) a ſuperfluous Oath, it may prove to the takers a perillous Oath.

3. Generall Doubt.

Whether the ſixth Canon, as it is charged with this Oath and penalty, bee not like to croſſe the chiefe end whereat his Majeſty aimed in granting his Commiſſion for a Convocation or Synod. 3. Generall Doubt.

THE REASON.

BEcauſe in his Royall Declaration (which hee was pleaſed to prefixe before the late Canons) hee

saith hee giveth leave for Eccleſiaſticks to aſſemble, and being aſſembled, [p] *to conferre, treat, debate, conſider, conſult, and agree of, and upon Canons, Orders, Ordinances, and Conſtitutions, as they ſhould thinke neceſſary and convenient to this end*, viz. *for the honour and ſervice of Almighty God, and for* the good and quiet of the Church, *the* [q] *end and purpoſe by his Majeſty limited and preſcribed to the Convocation or Synod*; and how this Oath ſorteth to this end, we appeale to the publick report of moſt Counties in the Kingdome, wherein (beſides the Miniſtery) the people neither of the worſt ſort for condition, nor for converſation; nor the feweſt for number, expreſſe much diſcontent and trouble of mind at the propoſall of it.

p The Kings Declaration prefixed before the Canons. *pag.* 8.

q *Ibid. pag* 10.

Hereby wee impute *no diſobedience* to the reverend Prelates and Clergie aſſembled; for wee conceive they had no thought of oppoſition therein, to the pious purpoſe of his ſacred Majeſtie; *nor any imprudence*, ſince, as they beleeved themſelves of the Oath, they might probably hope of acceptance with others, and (if generally accepted) that ſuch effects might follow as they projected.

But if they doe not, their diſcretion will direct them to vary their courſe as times and occaſions require. For, if the Church in this world bee like unto a ſhip upon the ſea (in which reſpect it is likened to [r] *Noahs Arke*) their Acts, and aimes of Government of it, may be ſometimes diſappointed by the indiſpoſition of the people to comply with them; as the purpoſe of the Pilot by the diſtemper of the weather, who, when he reaſonably thinkes it meet to hoiſe up ſaile, may bee

r Arcam fuiſſe Eccleſiæ imaginem certum eſt, teſte Petro. 1 *Pet.* 3. *Calv. in Geneſ.* 6.

ſoon

ſoon after induced to ſtrike ſaile, for the avoidance of inconvenience or danger: of this prudent accommodation of the Acts of Authority to the times, and their uncertaine inclinations and events, we find manifold examples, both in the Civill and Eccleſiaſticall eſtate. Thus much of the Doubts in generall.

Our Doubts in particular.

The Doubts hitherto propoſed touch not upon any branch of the Oath in ſeverall, or of the appurtenances to it, but reach to the whole, as taken together; thoſe that follow ariſe out of particular conſideration, firſt, of the parts of the Oath; ſecondly, of the explication of it; thirdly, of the perſons that are to take it; fourthly, of the penalty attending upon it. Doubts in particular.

1. *Of the firſt part of the Oath.*

I *A.B.* doe ſweare, that I doe approve of the Doctrine, Diſcipline, or Government of the Church of England, as containing all things neceſſary to ſalvation. 1. Of the parts of the Oath.

WE are not deſirous, without juſt ground miniſtred unto us, to multiply Doubts upon the Text of the Oath; and therefore wee take it for the preſent, that by *Doctrine* is meant that to which the Clergy are required to ſubſcribe by the 36. Canon, eſpecially the 39. Articles of Religion. But for *Diſcipline* or *Government*, our Doubt may be

The Doubt.

1. Particular Doubt. *What is meant by Diſcipline or Government, whether the ſame things, or no; and, if the ſame, what they be?*

The Reason.

BEcauſe in divers Authours wee find them many times diſtinguiſhed; but there they ſeeme to bee the ſame. The word [f] *Policy* is taken with them into ſociety of the ſame ſignification by his Majeſtie, in his late large Declaration.

And all three ſignifie (with reference to the Church) Eccleſiaſticall callings, ordinances, and the exerciſe and application of them, to ſuch as are ſubject to them both: wherefore they that are beſt acquainted with them all, ſtile their bookes of them indifferently, *of* [t] *Eccleſiaſticall Diſcipline*, [u] *Church Government*, and [x] *Eccleſiaſticall Policie*: and in a large ſenſe the terme *Diſcipline* containeth them [y] all. And ſo it is taken by [z] Archbiſhop *Whitgift*, where he reduceth all that concerneth Religion to Doctrine and Diſcipline; and ſo it ſeemeth they doe who compoſed the Oath, as appeareth by their entrance into it.

And though ſometimes that word be ſtrictly taken for the cenſure of manners, or correction of offenders (as in the Preface of the Communion Booke uſually read upon Aſhwedneſdaies) yet in a large ſenſe (and that very familiar) it is put for the whole

f The points of Diſcipline, Government, and Policie of the Church, &c. The Kings large Declaration, *p.*330.

t Mr. *Travers* or *Udal* Eccleſ. Diſcipline.

u Dr. *Bridges* his defence of the government of the Church.

x Mr. *Hookers* Eccleſ. Policie.

y The diſpute againſt Engliſh Popiſh Ceremonies, *c.*8. *ſect.*8. as it is cited in the Scottiſh Duplies. *p.*93.

z Archbiſhop *Whitgifts* Reply to *T.C. pag.*372. So alſo in the Hiſtory of the Councell of Trent, *l.*2. *p.*135. And Biſhop *Hall* of Epiſcopacy, *part.*3. *p.*4.

policy

policy or government of the Church: whether [a] Presbyteriall, as in Geneva; or Epiſcopall, as with us; a principall part whereof is Hierarchicall Imparity: in that ſenſe it was ſaid by Maſter [b] *Mountague, That the Synod at Dort in ſome points condemneth the Diſcipline of the Church of England*, meaning eſpecially the Government by Biſhops; and ſo alſo did the [c] *Biſhop of Landaffe* take it, when in anſwer to him, and confutation of him, hee repeated the defence made by himſelfe, for the Hierarchy of the Engliſh Church, in that Synod, *noting in few words, concerning the Diſcipline, That the Church never had a parity of Miniſters, no not in Chriſts time*, wherein there were the twelve Apoſtles, ſuperiours to the 72. Diſciples, which he ſheweth was not contradicted by that Synod. In the ſame ſenſe it is uſed by [d] others, who are not of the ſame mind in the point of Epiſcopacie.

The obſervation of this imparity, in giving precedence to Superiours, is called *Diſcipline*, in the [e] thirteenth Canon of the Milevitan Councell: the Ceremonies alſo in rule and practice, are reduced to Diſcipline in the prefatory Declaration before the Communion Booke, under this title [*of Ceremonies, why*

a ——of which Diſcipline the maine and principall parts were theſe; a ſtanding Eccleſiaſticall Court to be eſtabliſhed, perpetuall Judges in that Court to be their Miniſters: others of the people, twice ſo many in number as they, annually choſen to be Judges with them in the ſame Court. Maſter *Hooker, Præfat. of Eccleſ. Polit. pag. 5.* Maſter *Cartwr.* Archbiſh *Whitgift. Rep. p. 2.*

b Maſter *Mountag. Appello Cæſarem, p. 108.*

c Dominus Epiſcopus Landavenſis——de Diſciplina paucis monet, nunquam in Eccleſia obtinuiſſe Miniſtrorum paritatem non tempore Chriſti ipſius, &c. ſic *Synod. Dord. ſeſſione 145. April. 30. Antemerid.*

d Patres non volentes, ſed neſcientes, non per Apoſtaſiam aut contemptum, ſed per infirmitatem & ignorantiam lapſi ſunt, qui in Diſciplina aberrarunt. *Parker. de Polit. Eccleſ. lib. 2. cap. 8.* where by Diſcipline muſt be underſtood the Government by Biſhops.

e Scimus inviolatè permanſiſſe Eccleſiæ Diſciplinam, ut nullus fratrum prioribus ſuis ſe auderet anteponere. *Concil. Milevitan. Can. 13.*

why some abolished, some retained] where it is said, that some of them doe serve to decent order, and godly discipline: and againe, *without some ceremonies it is not possible to keep any order, or quiet discipline in the Church*; which implyeth both the constitution and observation of them: and to this acception of the words *Discipline* and *Government* in this Oath we rather incline; but cannot of our selves so certainly resolve it, as that we dare sweare it.

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2. Particular Doubt.

Doubt 2.

What is meant by the Church of England?

The Reason.

BEcause of the ambiguity of the terme *Church*, which is variously[f] distinguished; but especially, becaus the new Canons bring in a new acception of that word (new in respect of the language of Protestant Divines) for in the fourteenth Canon, where caution is given concerning commutation of penance, by the Bishop, or his Chancellour, there is this proviso, *That if the crime be publickly complained of, and doe appeare notorious, that then the office shall signifie to the place from whence the complaint came, that the Delinquent hath satisfied the Church for his offence.*

f See Doctor *Downham* in the defence of his Sermon. *lib. 2. c. 1. p. 4.* Master *Jacob* in his book of the necessity of Reform. the Minist. and Cerem. *Assert. 1. pag. 6.* with others.

The satisfaction is by the payment of a pecuniary mulct, that is made to the Bishop, or his Chancellour; either of them then, or both together seemeth to bee called the Church in that Canon: and that contraction of a word of such a large comprehension (as the right acception of it requireth) might breed some suspicion

ſpicion of ſymbolizing with the Popiſh Dialect (though the ſenſe bee not Popiſh) wherein by an intenſive *Synecdoche*, that which is moſt extenſive, and diffuſed all over the world, is ſhrunke up into the perſon of one man, the Pope. But becauſe the matter of commutation in that Canon, is of a narrower compaſſe then either Doctrine or Diſcipline in this, wee may take the word *Church* in a larger acception; and that may be either for the Clergy in generall, when it is uſed by way of diſtinction from the Laity, or as the 139. Canon decreeth it [*The Church repreſentative in a Synod which*[g] *Papiſts reſtraine to Epiſcopall Prelates*] Or as the 19. Article taketh it, *A viſible congregation of faithfull men, in which the pure word of God is preached, and the Sacraments duly adminiſtred:* Or as in the 35. Article, it may ſtand for the place where the people are aſſembled, and holy offices performed; but which of theſe, or whether any other ſenſe of the word [*Church*] bee meant in this place, we leave it to thoſe, who have authority to interpret the Oath, to reſolve.

g Epiſcopi ſunt Eccleſia repreſentativa, ut noſtri loquuntur. *Bellar. l. 3. de Eccleſ. c. 14.*

Archbiſhop *Laud* ſeemes to take the word *Church* for the Biſhops, in the Epiſtle Dedicatory before his Starre-chamber Speech, where he makes requeſt in the *Churches* name, that it may bee reſolved by the reverend Judges, that keeping of Courts, and iſſuing of proceſſe in the Biſhops names——are not againſt the lawes of the Realme. *fol. penult. p.* 1.

Doubt 3.

3. Particular Doubt. *Why the Diſcipline is linked with the Doctrine of the Church of England for neceſſity of ſalvation.*

The Reason.

BEcauſe it ſeemeth to us, to coaſt ſomewhat towards the conceipt of *Franciſcus à Sancta Clara*, Provinciall of the minorite Friars, who holdeth, [h] *That where Biſkops doe not rule, there are no Preſbyters: where no Presbyters, no Sacraments.* Hee excepteth (according to the tenet of his Church) *Matrimony* and *Baptiſme*; the former as a Sacrament, the later as a Sacrament, and (more then that in the Popiſh opinion) as neceſſary to ſalvation; and hee ſo farre enforceth this neceſſity, as to ſay, [i] *That to deny the neceſſity of Epiſcopacy, is nothing elſe, but to bring in the irritation of the paſſion of our Lord, and to evacuate the vertue of his redemption*; which is in effect (as Doctor *du Moulin* wrote to Biſhop *Andrewes*) [k] *to damne the Reformed Churches of France and other Countries, to the pit of Hell:* which being brought in (as a conſequence of the Biſhops Tenet of the Authority of Biſhops) that reverend Prelate very wiſely and religiouſly ſhunneth, ſaying, [l] *Hee wants his ſight, that ſeeth not*

h Ubi nulli præeſſe ſolent Epiſcopi, deeſſe debent Presbyteri; hos ſi domas quam miſerenda, quæſo, & horrenda ſunt quæ neceſſariò ſubſequentur: nam ubi nulli ſunt Presbyteri, nulla erunt & Sacramenta, niſi fortè Matrimonium, & Baptiſmus. *Franc. à Sancta Clara Apolog. Epiſcop. pag.* 151.

i Epiſcoporum neceſſitatem inficiari nihil aliud eſt quàm Dominicæ paſſionis irritationem ſubintroducere, noſtrumque redemptionis piaculum evacuare. *Ibid. pag.* 152.

k Hoc aſſerere nihil aliud eſſet, quàm omnes noſtras Eccleſias addicere Tartaro. *Pet. du Moulin. epiſt.* 2. *Epiſc. Wintonien. pag.* 173. *opuſc.*

l Cæcus ſit, qui non videat ſtantes ſine ea Eccleſias; ferreus ſit, qui ſalutem iis neget. *Epiſc. Winton. Reſp. ad epiſt.* 2. *Pet. du Moulin. pag.* 176. *opuſc.*

Churches

Churches ſtanding without that Diſcipline: and hath an iron heart, that conſenteth not that they may bee ſaved: and therefore our late learned Soveraign King *James*, (leſt he ſhould be miſtaken in ſome of his ſpeeches, of ſome of thoſe, who had no good conceipt of the Diſcipline of the Engliſh Church) when his monitory Preface (wherein hee toucheth moſt upon ſuch matters) was publiſhed in Latine, that hee might not bee thought to condemne the Churches, whoſe Diſcipline is different from ours: he expreſly profeſſed, [m] *That by that hee had ſaid, therein hee intended neither reproach nor reproofe to the Reformed Churches, or to their forme of Government—but left them free to their Chriſtian liberty:* And when the Biſhop of Landaffe aſſerted the Eccleſiaſticall Imparity of the Church of England (at the Synod of Dort) hee did not ſeeke to obtrude it as neceſſary to ſalvation; but uſed this caution in the concluſion of his ſpeech, [n] *This I ſay* (ſaid hee) *not to give offence to theſe Churches* (ſcil. *thoſe whoſe Clergy aſſembled at that Synod*) *but for the defence of our Church, the Church of England.* And the Church of England ſurely at that time was farre from the conceipt of the Franciſcan Friar fore-mentioned, when hee and other learned Divines were ſent to that Synod (the moſt generall Synod of the Reformed ſide, that hath been held ſince the reformation of Religion) to aſſiſt with their conſultations, and to confirme with their ſuffrages and ſubſcriptions, the

m Puritanorum nomine—Eccleſias apud exteros reformatas, earumve regimen non deſignati—mihi eſt decretiſſimum rebus alienis me non immiſcere, ſed illas reformatæ Religionis libertati permittere, ſic ad fin. *Præfat. monitor. in* 8°. *printed Lond.* 1609.

n Hæc non ad harum Eccleſiarum offenſionem, ſed ad noſtræ Anglicanæ defenſionem. The joynt atteſtation, that the Diſcipline of the Church of England was not impeached at the Synod at Dort. *pag.* 17.

Decrees of that Synod, wherein (among many Preſbyters) there was but one Biſhop, and hee not Preſident of that Aſſembly. And when hee who hath pleaded for Epiſcopacy, not onely as a pinnacle of honour, but as a pillar of ſupport to the Church, wrote thus againſt the Browniſts, *I° reverence from my ſoule (ſo doth our Church, their deare Siſter) thoſe worthy forraine Churches, which have choſen and followed thoſe formes of outward government, that are every way fitteſt for their owne condition. It is enough for you to cenſure them, I touch nothing common to them with you*; which wee alledge not againſt the government of Biſhops, *In a meet and moderate imparity* (as the ſame P Authour ſtateth their preheminence) but onely againſt the neceſſity of their ſuperiority to ſalvation, which is the point wee have now in hand.

° So Biſhop *Hall* in his Apology againſt the Browniſts. *ſect.*19 *p.*588.

p Biſhop *Hall* his prop of Church government, added to his Irrefrag. prop. *pag.*6.

Whereto agreeth that of *Epiphanius*, who conceived more neceſſity of a Deacon to a Biſhop, then of a Biſhop to a Church, ſaying, q *That where there was not a man of ſufficient worth to bee a Biſhop, the place might be without one; but it is impoſſible* (ſaid hee) *that a Biſhop ſhould bee without a Deacon.* And the fifth Canon of the ſecond Councell of Carthage decreeth, r *That thoſe places which never had Biſhops, ſhall have none at all; and thoſe that had them, ſhould have them ſtill:* which they would not have done, if they had conceived *Epiſcopacy to be of neceſſity to ſalvation, or of neceſſity to the being of a Church.*

q Ubi non eſt inventus quis dignus Epiſcopatu, permanſit locus ſine Epiſcopo, verùm ſine Diacono impoſſibile eſt eſſe Epiſcopum. *Epiphan. hæreſ.*75. *l.*3. *tom.*1. *pag.*215.

r Placuit ut Dioceſes quæ nunquam Epiſcopos acceperunt, non habeant; & quæ aliquando habuerunt, habeant. *Concil. Carth.*2. *Can.*5.

Queſt.

Queſt. But is there any cauſe to conceive, that any of the late Synod imagined a neceſſity of Biſhops, either to ſave a Chriſtian, or to conſtitute a Church?

Anſw. Wee take not upon us, confidently to impute that opinion to any, nor can wee acquit the chiefeſt of them from ſuch a conceipt: for the [f] Archbiſh. in his reply to *A.C.* having brought in a ſentence out of Saint *Hierome*, which is this [[t] *where there is no Prieſt, there is no Church*] he taketh the word *Sacerdos*, for one who hath the power of ordaining: which in *Hieromes* owne judgement, *is no meere Prieſt, but a Biſhop only*; and thence concludeth *ſo, even with him* [*no Biſhop, no Church*] which he ſo approveth, as if ſome, who profeſſe more good will to Biſhops, then *Hierome* [u] elſewhere doth, ſhould ſay ſomewhat more, or the ſame that he did with more confidence; which to us ſeemeth little leſſe, and not much better, then that we have noted of the Minorite Friar. For the ſaying of *Hierome*, *That it is not a Church that hath not Sacerdotem*, we that are Presbyters may as well conceive, that he meaneth a Presbyter, as he (a Biſhop) that he meaneth a Biſhop; and *Hierome* a Presbyter, as wee are, if he were alive, would (as wee verily beleeve) give ſentence on our ſide: For,

[f] Archb. *Laud* in his relat. of his conference with *Fiſher*, *pag.* 176. *marg.*

[t] Ubi non eſt ſacerdos, non eſt Eccleſia. *Hieron. adverſ. Lucifer.*

[u] See *Doubt* 16 *pag.* 80. and in the conference at Hampton Court, *pag.* 34. are theſe words, *Hierome no friend to Biſhops, by reaſon of a quarrell betwixt the Biſhop of Hieruſalem and him.*

Firſt, it cannot bee denied, that though there bee more dignity in a Biſhop, there is more neceſſity of a Presbyter; that is, of one to officiate in preaching the Word, and adminiſtration of the Sacraments (whereof there is continuall uſe) then of a Biſhop to ordaine (if none could doe it but a Biſhop) which is required but ſometimes: and though a Biſhop performe the

ſame acts, yet hee doth them not as a Biſhop, but as a Presbyter.

Secondly, if *Hierome* meant that there is no Church without an ordaining Biſhop, and that is his opinion (as his Lordſhip expounds him) it is his errour, an uncharitable errour; which caſteth not particular Chriſtians onely, but many Orthodox Churches out of the communion of Saints, and conſequently out of the ſtate of ſalvation; whereas, if ſome Biſhops had been as remote *non*-reſidents from their Biſhoprickes, as the Pope from Rome, when he reſided at Avinion in France: or had medled no more with the Churches under their charges, then the Italian Prieſts did when they had Benefices in England, and knew onely the names of them, and received tythes from them; but did nothing for them, or in them: yet there might for all that bee true Churches, and ſalvation in them well enough. For, of what uſe is ſuch a Biſhop, or ſuch a Prieſt either to the being of a Church, or the well being or ſalvation of a Chriſtian?

Thirdly, if his words were true in that ſenſe (wherein his Lordſhip taketh them) it would be neceſſary there ſhould be as many Biſhops as Churches; and ſo, that Biſhops ſhould be rather Parochiall, then Dioceſan.

Fourthly, if the place in *Hierome* be unpartially peruſed, it will not make much for the neceſſity of Biſhops: for *Hierome* (in his Dialogue againſt the Luciferians (whence the quotation is taken) ſpeaketh of one x *Hilarius*

x Hilarius cum Diaconus de Eccleſia receſſerit——

cum homo mortuus ſit, cum homine pariter interiit & ſecta: quia poſt ſe nullum clericum potuit ordinare. *Hieron. adverſ. Luciferian. Dialog. tom. 2. fol. 49. col. 2.*

larius

Larisus (a ſchiſmaticall Deacon) *who dyed in the ſchiſm, and his ſect with him: becauſe being but a Deacon, hee could not ordaine a Clerke to ſucceed him*; upon this, ſaith *Hierome*, [y] *It is not a Church, which hath not a Prieſt.*

[y] Eccleſia autem non eſt, quæ non habet Sacerdotem. *Ibid.*

The word is [*Sacerdotem*] which ſeemeth to bee of the ſame ſenſe with the word *Clericum* (a little before) and that is there meant of him who is next above a Deacon; and he is a Presbyter (not a Biſhop) whoſe office in adminiſtration of the Sacraments is there particularly noted, which belongeth to a Presbyter, *ut ſic*, as he is a Presbyter, not to a Biſhop as he is a Biſhop.

Obiect. But hee ſpeaketh of ordaining, and that in *Hieromes* judgement was proper to a Biſhop.

Anſw. 1. *Hierome* knew well enough, that of old (though it were otherwiſe in his time) Biſhops alone did not ordaine Church Miniſters, but the Presbytery with them, 1 *Timoth.* 4. 14. if not without them; for many hold, that at that time there were no Prelaticall Biſhops above their brethren; & even to this day there is a ſhadow of that ſociable power (in ordination of Miniſters of the Church of England) retained in practice, by the impoſition of the hands of Presbyters with the Biſhop; and required by conſtitution in the 35. Canon of the yeare 1603. And ſome learned Papiſts are of opinion (though it come too neere the truth, to be common among them) that Biſhops may delegate their power, both of [z] *Confirmation* and of * *Ordination*, to Presbyters or Prieſts.

[z] Epiſcopum in ſua provincia poſſe committere ſimplici ſacerdoti, quod conferat ſacramentum Confirmationis. *Martin. Ledeſma prima 4ti. qu.* 13. *a.* 11.

* Epiſcopos poſſe delegare poteſtatem ſacerdoti ordinandi ſacerdotes, æquè ac Papam. *Novarienſis tract.* 1 *part.* 2. 13. *apud Fran. à Sancta Clara Apolog. Epiſcop. pag.* 249.

Secondly,

Secondly, though (where there were Biſhops anciently and uſually) ordination was not conferred without them; yet where there were none, without them it might be lawfully and effectually done (as we ſhall note in another place) and therefore no ſuch neceſſity either of them, or of ordination by them, as is pretended. And though the over-high exaltation of Prelates hath depreſſed Presbyters ſo farre below the right and power of their order, that it is made (in ſome mens conceipts) a ſtrange thing, and a kind of preſumption in any caſe to take upon them the ordination of Miniſters; yet *Hierome* ſurely was not of their mind, when hee gave them the honour (which ſome Epiſcopall paraſites appropriate to Biſhops) to bee accounted the ſucceſſours of the holy Apoſtles; as he doth in the firſt of all his Epiſtles, which is written to *Heliodorus*.

Thirdly, from *Hieromes* words in this place wee may rather collect, that a Presbyter as well as a Biſhop may ordaine, ſince hee denieth that faculty but to a Deacon; then that by the word *Prieſt*, a Biſhop muſt bee meant, and ordination peculiarly derived from him.

Fourthly, howſoever where hee ſaith, that it is not a Church that hath not a Prieſt, hee is in reaſon to be underſtood not of one that hath power to make a Prieſt, but of a Prieſt already made: for, ſuch a one a particular Church cannot want; but of a Biſhop unto it there is no ſuch need.

Fifthly, if *Hierome* in this place, being zealous againſt ſchiſme, ſpoke ſomewhat too freely in favour of Biſhops, which yet is doubtfull (though more probable

bable that he ſpoke on the Presbyters ſide, then of the Biſhops.) It is certaine, that in other places (which wee ſhall obſerve afterward) hee expreſſeth himſelfe farre from ſuch fondneſſe of affection to Biſhops, as his Lordſhip deduceth out of his words. So much for the Teſtimonies of *Hierome*, wherein wee crave his Lordſhips patience and pardon for our boldneſſe, ſince his explication and application thereof for the neceſſity of Biſhops, to the being of a Church; and ſo (by conſequence) to ſalvation, hath put a neceſſitie upon us, ſeriouſly to examine what hee ſaid and meant.

Object. There be ſome who, to aſſert a neceſſity of Diſcipline, ſay, that Diſcipline comprehendeth a preaching Miniſtry, and that's neceſſary to ſalvation.

Answ. 1. There is neerer affinity betwixt Preaching and Doctrine, then betwixt Preaching and Diſcipline, which is exerciſed more in matter of [a] converſation and practice, then of preaching: and therefore a preaching Miniſtry is comprehended rather under the head of Doctrine, then of Diſcipline.

a Quid proderet diſciplinam habere in converſatione, ſcientiam in prædicatione, niſi adſit bonitas in intentione. Sermo ad paſtores in Synodo congregatis. Inter opera Bernardi. *col.* 1730.

Secondly, the neceſſity of Diſcipline here meant, is not in reſpect of a preaching Miniſtry, but of a ruling Epiſcopacy; as is evident by that we now obſerved of the Speech of the now Archbiſhop of Canterbury, the moſt authenticke Interpreter, becauſe the moſt Architechtonicall (if not the onely) compoſer of the late Canons.

But for the Adjuncts and Appendences to the calling of Biſhops, which Biſhop *Hall* calleth [b] *not neceſſary*,

b Diſtinguiſh betwixt the ſubſtance of their callings, and the not neceſſary appendences. Biſhop *Hall* in the Corollary of his ſeven Irrefragable propoſ. *pag.* 7.

ſary,

ſary, for many particular Canons and Ceremonies, in conſtitution or practice (which yet come under the name of Diſcipline or Government, as hath been ſhewed) they ſtand at a farre greater diſtance from neceſſity to ſalvation: and therefore they are denied by the [c] Doctrine and [d] Liturgie of our Church, *to be neceſſary to bee in all places, and at all times, one and utterly alike:* and if Generall Councells ſhall decree things to be neceſſary to ſalvation, which cannot be ſo declared by Scriptures, the [e] ſame Doctrine teacheth, that they are not to bee received: for that would conclude damnation on ſuch Churches as are without them.

c *Artic.* 34.
d In the Preface of the Communion book concerning Cerem. why ſome are retained, and ſome aboliſhed, printed 1625.
e *Artic.* 21.

There be degrees of neceſſity we grant, as where it is ſaid in the Catechiſme of the Communion booke, *That there bee two Sacraments as generally neceſſary to ſalvation; Baptiſme, and the Lords Supper* [*onely two*] Sacraments in a proper ſenſe, though in a large acception there may bee (as the Papiſts ſay) five more; as one ſaith, [f] ſeventeen; as another, [g] twenty ſeven [*generally neceſſary*] that is, neceſſary for the ſtate of the Church in generall; without which it cannot be a true ſaving Church; not neceſſary for every member of it in particular, or neceſſary for particular perſons, if God give convenient opportunity for them: not that God cannot, or will not ſave without them, where his ordinance is by himſelfe denied, not by men deſpiſed or ſlighted. Thus we avoid the [h] acception againſt our

f Dr. *Meyer* his explanat. of the Catechiſm. *q.* 181. *p.* 494.
g Dr. *Reynold* in his confer. with *Hart. pag.* 523.

h In Catechiſmo duo Sacramenta neceſſaria ad ſalutem. Quid, ſuntne alia Sacramenta, quæ non ſunt generalia, & omnibus communia, ut Ordinatio; alia generalia, ſed non neceſſaria, ut Confirmatio? *Didoclav. Altare Damaſcen. p.* 357. The other five (though commonly called Sacraments) are not to be accounted Sacraments of the Goſpel, being ſuch as have growne partly of the corrupt imitation of the Apoſt. *Confer. at Hampt. Court. p.* 31.

Catechiſme,

Catechiſme, made by ſome miſtaken (though well-minded) brethren; and ſo alſo ſhunne the Popiſh neceſſity of that Sacrament which is injurious to the ſalvation of little children, departing this life before they have received the Sacrament of Baptiſme. But thus wee cannot ſalve the neceſſity of Diſcipline: for, though Diſcipline bee neceſſary for the Church, yet the particular Diſcipline of our Church is not neceſſarie to ſalvation; ſo that they cannot be true Churches, and ſalvation in them, which have it not. [i] *For where there is a defect of Biſhops, or Biſhops make a defection from the faith, there an ordination by Presbyters is confeſſed to bee valid, by thoſe who are no friends unto the Presbytery:* an Ordination not onely of Presbyters, but of Biſhops, as [k] Doctor *Field* hath determined: *For* (ſaith he) *in caſes of neceſſity, as in revolt from the faith, or where Biſhops will not ordaine, but ſuch as conſent to their Hereſies; when there is no hope of better, Presbyters may chooſe out one among themſelves to be chiefe, and ſo adde others to their numbers, by the impoſition of his and their hands;* which giveth us occaſion rather to admire, then to beleeve, *That Prieſts made at Rome or Rhemes, revolting from their Popiſh Religion, ſhould bee admitted to Benefices in our Church, without a new ordination: and that they who were made Miniſters in Tranſmarine Churches, ſhould not be admitted, unleſſe firſt they were by Biſhops ordained Deacons and Presbyters,* as [l] *Didoclavius* reporteth

i Adverſarii nullam per Presbyteros ordinationem eſſe validam, niſi in caſu neceſſitatis: i. quando deſunt omnino Epiſcopi, aut deficiunt à fide. *Ibid. p.* 220.

k Dr. *Field* of the Church. *lib.* 5. *c.* 56. *pag.* 704.

l Sacerdotibus Pontificiis ordinatis regnâte Mariâ, ſive Romæ, ſive Rhemis, non opus erat novâ ordinatione; ſed Mariani Sacerdotes retenti in hunc uſque diem, *Terellus, Tytherus, &c.* Contra, qui erant legitimi in Eccleſiis Tranſmarinis Miniſtri, non ſunt capaces Beneficiorum, donec priùs creati fuerint Diaconi Presbyteri, per Prælatos, ut oſtendit exemplis Whitingami, Traverſi, &c. *Didoclav. Altare Damaſcen. pag.* 220.

out of *Johnſon* the Browniſt. And ſome of us remember, that ſome of thoſe who preferred *Epiſcopacy* above the *Presbytery*, as gold above ſilver, did yet allow it to be maintained in the Divinity Schoole, [m] *That the ordination of Miniſters in Outlandiſh Churches is lawfull, though without Biſhops.* There was then no neceſſity, that they ſhould be ordained againe, to make them capable of Benefices (unleſſe ſome poſitive Conſtitution of our Church required it) much leſſe was it neceſſary to ſalvation, either their owne or others, that Biſhops ſhould conferre any new orders upon them. Doctor [n] *Willet* mentioneth another neceſſity of the diſtinction of Biſhops and Prieſts, and ſo of Epiſcopall Government, or Eccleſiaſticall Diſcipline; and that is for the avoiding of Schiſmes: for elſe (as [o] *Hierome* ſaith) *there would bee as many Schiſmes as Prieſts*; but this neceſſity will not ſerve to make the Croſier-ſtaffe of Diſcipline equall to the Marble Pillar of Doctrine, for ſupport of ſalvation.

There is yet another neceſſity conceived of a contrary Diſcipline: [p] *For* (in Scotland) *a parity of Miniſters is preferred* (as Gods ordinance) *to Epiſcopacy, an humane conſuetude*: and this ordinance of Diſcipline (without Biſhops) was conceived by the Divines of [q] Geneva *as everlaſtingly required by the Law of the Lord of lords, againſt whoſe Statutes there is no exception to be taken*: and of this wee may ſuppoſe Maſter *Cartwright* ſpoke, when hee ſaid, [r] *The things that he and his party ſtood for were ſuch, as that if every haire*

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m Ordinatio Miniſtrorum in Eccleſiis Reformatis eſt legitima. This was publickly held in Doctor *Hollands* time, who in the Act, July 9. *an.* 1608. concluded, Quòd Epiſcopatus non eſt ordo diſtinctus à Presbyteratu, eoque ſuperior jure divino.

n Doct. *Willet Synop. Papiſm. 5. Gen. controv. append. ad 3. quæſt. p.* 274.

o Tot eſſent Schiſmata, quot Sacerdotes. *Hieron. adverſ. Luciferian.*

p The Kings large Declarat. *pag.* 351.

q Mr. *Hookers prefat. pag.* 4.

r Mr. *Cartwrig.* ſee Archbiſh. *whitgif. Reply, pag.* 44.

of their head were a life, they should lay all downe for the defence thereof: And there are some so rigid to such Churches as want it, as to hold, *they want a principall meanes of their salvation.*

In opposition to these, it may bee the meaning of the Oath is, That as for Doctrine, so for Discipline, our Church wanteth nothing that is needfull to salvation; but because (by such an expression) the Composers of the Canon may seeme to assume that necessity of Episcopall preheminence (such as it is in England and Ireland) which they condemne in the Discipline of Geneva, and other Reformed Churches, we feare a snare in these words of the Oath.

Object. But did not an Apostolicall Councell decree forbearance of things of different natures; as of *meat offered to Idols, of things strangled, of bloud, and of fornication*, calling the abstinence from them all necessary things? *Act.* 15.28,29. yet was there more necessity of forbearance of the last, then of all the rest: for, to abstaine from them, was not necessary, but in respect of the state of that time, that the Gentiles and the Jewes might live more peaceably together, with lesse occasion of quarrell: but to forbeare *fornication*, was and will be alwaies necessary to salvation.

Answ. All this is true, yet many waies different from our case: For,

First, we are bound to embrace the Decrees of an Apostolicall Councell, without all doubt or suspicion of errour; but wee are not so to entertaine any Constitutions of men, since their time, whether single, or

aſſembled in Synods Dioceſan, Provinciall, Nationall, or Oecumenicall; ſince, as our Church reſolveth in the 21. Article, *they may erre, and have erred in things pertaining to God:* which the Apoſtles never did, nor could doe in any thing they taught, or decreed, to be received by the Church.

Secondly, the Apoſtles leave the word [*neceſſary*] at large, to bee diſtributed by diſtinction and due application (according to the different nature of the things contained in their Apoſtolicall Decree.) Of which, though they ſay they are neceſſary, yet do they not ſay, they are neceſſary to ſalvation, as this Oath hath it, both concerning Doctrine and Diſcipline.

Thirdly, the Apoſtles by their Decree required no Oath of ſuch as were ſubject unto them, as the ſixth Canon doth.

Fourthly, they laid no new burthen on the conſciences of Chriſtians, but rather tooke off a great part of the old, Ver. 28. but this Oath is a new burthen, and (if it ſhould be urged) the heavieſt (in reſpect of impoſition and penalty to ſome) that ever was laid on the Engliſh Church, ſince it left off to bee Romiſh: which the Impoſers (though prudent) might the leſſe apprehend, and take to heart, then their inferiours (in place and policy) becauſe it was not like to bee their owne caſe, to be troubled at the taking, or to bee cenſured, even to undoing, for the refuſall of the Oath; ſince they liked it ſo well themſelves, as to propound it to others.

If to mollifie the rigour of this combination of Doctrine and Diſcipline for neceſſity to ſalvation, there

there bee found out other distinctions, then such as have been touched, either concerning Discipline, or salvificall necessity, they may haply serve to salve an objection in Scholasticall dispute, rather then to satisfie the conscience against all doubt, so as is necessary to the due and safe taking of an Oath; though Discipline in particular (as hath been shewed) be not necessary to salvation: and if it be not, it seemeth to be set in the Oath as an Associat with the Doctrine (as to that effect) like *Bibulus* with *Cæsar* in the Consulship, when * *Bibulus*, as a single Cypher (standing for nothing) did nothing as a Consul, but *Cæsar* did all; so that the saying was, *Julius* and *Cæsar* were Consuls, not *Cæsar* and *Bibulus*. And if so, it is too neere a *nonens*, and so a kind of trifling, unmeet (as we thinke) for so serious and sacred a matter as an Oath.

* Non *Bibulo* quidquam nuper, sed *Cæsare* factum est: Nam *Bibulo* fieri Consule nil memini. *Sueton. in Jul. Cæs. nu.* 20. *p.* 16

THE

THE OATH.

And that I will not endeavour by my selfe, or any other, directly, or indirectly, to bring in any Popish Doctrine, contrary to that which is so established.

DOUBT 4.

4. Particular Doubt.

What is meant by Popish Doctrine?

THE REASON.

BEcause it is not yet determined in any satisfactory way (at least not so determined, that wee may sweare to it) what opinions are to bee esteemed Popish, either for Doctrine or Discipline. *Luther* (as some report of him) was wont to say, [f] *That himselfe, and almost every man else, had a Pope in his belly*, yet few have it in their heads, to tell what Poperie is.

[f] Master *Chil.* his answer to *Charity maintained*, c. 2. *pag.* 82.

Many hold, that divers of the Arminians Tenets are nothing else but Popery, blanched over with a specious [t] subtlety; and for holding them, have some been publickly censured as Popish: & [u] there are, that make the Arminians brothers to the Socinians, in divers dangerous and damnable positions. On the contrary,

[t] The Kings large Declaration. *pag.* 319.

[u] Peltius in Harmon. Remonstrantium & Socinianorum, *Excus. Lugd. Bat.* 1633. Archb. *Laud* calleth the Socinian Heresie an horrid and mighty monster of Heresies, in his relat. of his confer. with *Fisher. p.* 310.

it

it is affirmed by farre higher Authority, (x *That their Tenets could not be accounted Popish, concerning which (or the chiefe of which) as learned Papists as any in the world* (viz. *The Dominicans and Jesuites*) *did as much differ, as the Protestants did; and that those, who adhere to the Augustan confession, did hold that side of these Tenets, which the Arminians doe hold: and therefore farre from being Papists, being the first Protestants: and therefore it was against all sense, to condemne that for Popery, which was held by many Protestant Churches, and rejected by many learned Papists.* And whereas the Socinians are severely, and that deservedly condemned by a particular (y) Canon, there is nothing at all decreed against the Arminians, either in that or any other Canon of that late Synod: whereof they that make conjecture of the causes, bring in such as these:

x The Kings large Declaration *pag.* 320.

y *Canon* 4.

It may bee the Synod thought that it was a better way, for preservation of the Churches peace, to make no Decree concerning Arminian opinions; or that they were slandered, and made worse then they are, though the Socinian be not: or that enough was done against the Arminians at the Synod at Dort; and (if any thing at all) a great deale too little against the Socinians: or that it was not for the honour of a Synod of Bishops, &c. to come after a Synod of meere Presbyters (one Bishop onely excepted) and by their own Canons, as it were, to subscribe to Presbyteriall determinations.

And this last Reason haply prevaileth most with some Episcopall Divines, who (conceiving the summoning, presiding, and voting in Synods by Presbyters, to be a presumptuous usurpation of the peculiar

priviledges) have in deep indignation and diſdaine called that Synod not the Synod of *Dort*, but the Synod of *Dirt*, as ſome of us have heard: which in part may give anſwer to the doubt, how it cometh to paſſe that, King *James* having been ſo zealous in the procuring and promoting the happy proceeding of that Synod, for the ſuppreſſion of Arminianiſme, it hath for all that prevailed and advanced higher in England, then it did before that Synod had condemned it: which may be, becauſe diſ-affection diſpoſeth many to contradictory Tenets, as we ſee in [z] *Maldonate* the Jeſuite, who taketh up a new Interpretation of his owne (againſt another, which hee confeſſeth to conſiſt with moſt probability, and Saint *Auguſtines* Authority) becauſe it is more contrary to the ſenſe of the *Calviniſts*. But this by the way.

[z] Non nego me hujus interpretationis auctorem neminem habere, ſed hanc eò magis probo, quàm illam alteram Auguſtini cæterarum alioqui probabiliſſimam, quòd hæc cum Calviniſtarum ſenſu magis pugnet. *Maldonat. in Jo. cap. 6. ver. 62. tom. 2. col. 652, 653.*

Proceeding directly forwards, we may further obſerve, that the Compilers of the pious * Homilies (preſcribed to bee read to the people in the roome of Sermons, when they are wanting) condemne pictures in Churches, as Popiſh and perillous: And in our daies there bee many of another mind, who profeſſe the contrary, and would take it very ill to be taken for Papiſts. Our chiefe Proteſtants (with our Engliſh *Solomon*, King *James*) have held the Pope to bee Antichriſt; and the principall Papiſts endeavour to defend the contrary; and their Apology is eſteemed, by moſt, a maine point of Popery.

* The Homily of the perill of Idolatry.

But of late there have been ſome, who make themſelves the Popes Compurgators againſt that criminall charge,

charge, and yet with many goe for very good Proteſtants; and in divers other particulars (reputed Popiſh) Papiſts glory in our approaches towards them, and ſticke not to ſay of our Church, a *That Proteſtantiſme waxeth weary of it ſelfe*, b *and that Calviniſme is accounted Hereſie, and little leſſe* (and if we beleeve a late c Author of ſome note, nothing leſſe) *then treaſon. In ſumme, theſe points of* d *Images, and Antichriſt, with others, as the lawfulneſſe of ſome kind of prayers for the dead, the eſtate of the Fathers ſoule before Chriſts aſcenſion, free-will, predeſtination, univerſall grace, the poſſibility of keeping Gods Commanments*, which (for the moſt part of them) have been held as a partition wall betwixt Proteſtants and Papiſts, are taken by ſome (who ſhew themſelves in print as oppoſite to Popery) but for *adiaphorall Problemes, diſputed without breach of charity among Proteſtants themſelves.* And, as ſome of our learned e Divines have ſhewed, that *divers of our Proteſtant Doctrines have been taught by ſome writers of the Romiſh Church*: So on the contrary, have ſome f Papiſts endeavoured to retaliate, and to quit the objection, by bringing in a liſt of Doctrines accounted Popiſh; yet held by ſuch as are reputed and acknowledged (by ſome Antipapiſts) for Proteſtants; and as of Doctrine, ſo concerning Diſcipline, there is doubt, what opi-

a So in the Book called, *Mercy & Truth*, or *Charity maintained*. See Maſter *Chillin.* Preface in anſwer to it. *pag.* 12.

b *Ibid.*

c Δευδεϑλογία, or the vocall Forreſt, at the beginning whereof the Authour hath theſe Verſes:

Sometimes the Father differs from the Son,
As doth the Goſpel from the Alcaron;
Or Loyola *from* Calvin, *which two brands*
In ſtrange combuſtions hurle faire Europes lands.

But Biſhop *Andrewes* ſaith hee was, Illuſtris vir, & nunquam ſine ſummi honoris præfatione nominandus. *Bi. Andr. Theol. determinat. de uſura. p.* 115.

d Maſter *Chil. loco citat.*

e Doct. *Morton* in his Catholick appeale.

Biſhop *Hall* his Treatiſe, called, *The peace of Rome.*

f *Brerely* his Proteſt. Apology.

nion may bee reputed Popiſh: For Archbiſh. [g] *Whitgift*, Biſhop [h] *Hall*, and Biſhop [i] *Downham* conclude Popery upon the Presbytery; and the [k] Presbyterian Diſciplinarians on the contrary condemne all Epiſcopall Juriſdiction as Papiſticall.

g Archb. *Whitgifts* reply to *T.C.p.*299.559
h Biſhop *Hall* of Epiſcopacy. *part.*3. *pag.*34.
i Biſh. *Downhams* Defence of his Serm. *l.*1.*c.*8.*p.*139.
k In the Kings large Declaration. *pag.*351.

Here, though wee conceive, that that ſhould bee held a Proteſtant or Popiſh Doctrine, which is carried by the common conſent of allowed Divines of each Church, rather then the particular opinions of private men (which are to the other but as whiſperings in the eare, to a loud cry in the aire) wee cannot reſolve of our ſelves what they, who compoſed the Oath, did intend to diſcard as Papiſticall Doctrine.

Object. But the abjuration of Popery in the Oath is generall, and ſo the fitter for ſuch as are zealous Proteſtants to take it.

Anſw. It is true, if zeale without knowledge were ſufficient; but it is neceſſary, they ſhould firſt know what Popery is, and what is not, before they renounce it by ſwearing: and the forſwearing it, without knowing it, hath made ſome to abjure all Epiſcopacy, as taking (and therein miſtaking) it, (as we conceive) to be no other then the Government of Popery.

Object. But doe not the next words clearly diſcover what Doctrine is meant, *viz.* [*contrary to that which is ſo eſtabliſhed?*]

Anſw. We make no queſtion but by theſe words, the mind of them who made the Canon, was to bring our Proteſtant Doctrine within the verge of the Sanctuary, and the circle of ſubſcription; ſo that nothing ſhould be received as Proteſtant, or not as ours; or not

not as necessary to salvation, which is not either expresly, or by consequence contained in that compasse: And also to leave a latitude sufficient for particular opinions, wherein men might use a freedome of judgement, without infringing of charity; and wee thinke it a meet meanes to preserve the Churches peace, that the Doctrines be not too many, which are to be received and beleeved of all: *and that these Doctrines are established in the Church*; but what Tenets are rejected as properly Popish, doth not as yet appear unto us, and withall, we doubt

Doubt 5.

What establishment of Doctrine is here meant, and how farre it may be said to be established. 5. Particular Doubt.

The Reason.

BEcause we conceive that the 35. Article, at least vertually, establisheth the Doctrine of the two Bookes of Homilies (the one set forth in King *Edwards* the sixth, the other in Queen *Elizabeths* raigne) as godly, wholsome, and necessary Doctrine; and as fit to bee preached to the people in a Sermon, as read to them in an Homily.

But on the contrary, hee that hath taken upon him to analyze the Articles into severall propositions, and to confirme them by Scripture, and otherwise (*and this by allowance of publick Authority*, as the title page of his booke doth testifie) setteth this Note upon that Article, *Touching this Article, the greatest matter* (saith [1] he) *is not, Whether these Homilies meant and mentioned,* [1] Mast. *Rogers* on the 35. Article of Relig. *pag.* 193.

mentioned, doe containe Doctrine, both godly, wholſome, and neceſſary: but whether Homilies, or any Apocrypha writings at all, may bee read in the open Church, and before the Congregation: Whereof (in reaſon) there needs no more refutation then the reading of the Article, and the ſeverall Titles and Contents of the Homilies annexed to it.

And though we like it well enough, that his Teſtimony is ſometimes excepted againſt, as [m] proceeding from a private man; yet ſince his gloſſe upon that authenticke Text, hath commonly paſſed in the name, and without the note of diſlike of Authority, it induceth us to doubt, what Doctrine in thoſe Bookes may be ſaid to bee eſtabliſhed in our Church; and wee are the more unſettled in our conceipt thereof, becauſe wee ſee the Homily of the perill of Idolatry ſo little heeded, and ſo much liberty of late taken to controll it, with new Pictures in Churches, that if the Homily were read in ſome of them, it might be doubted (by ſuch as conſider no more then what is preſented to their ſenſes) whether there were not one Religion for the eares, another for the eyes: or whether the Laymens bookes, or the Clergy mens were publiſhed with greater priviledge: which hath been an occaſion of Papiſts bragging, [n] *That our Churches begin to looke with a new face, and their walls to ſpeak a new language*; the face out-facing, and the language contradicting the Doctrine of the Homilies.

m By the Archbiſhop of Cant. in his anſwer to *A.C. p.47,48.*

n *Charity maintained*, ſee Maſter *Chil.* Preface in anſwer to it *p.12.*

we doe not meane hereby to charge thoſe with Idolatry, who have made it their care, and have been at great coſt, to adde the beauty of honour in the walls and windowes of Gods houſe, to the beauty of holineſſe in the Communion

of

of Saints (who resort unto it, and performe their solemn devotions in it) wee doubt not but they are too wise to worship the worke of the pensill, or any worke of mans hand: yet wee beseech their wisedome to consider, that the world groweth old, and with age (according to the Proverb) *becomes childish; and children delight more to looke upon Babies, then on the letters of their bookes, or to learne their lessons: and so that which by them was meant but for adorning, the illiterate* (with the mutilation of a letter) *may turne to adoring; and what was intended but to be a memorandum of History, may be turned by some, and taken by others, as a memoriall of the mystery of Iniquity: whereby the subtle may draw the simple from spirituall piety, to sensuall superstition; which was the evill effect feared by those grave and godly Divines, who composed the Homily: and for which cause they so zealously contested against all Images in Churches: They had read, no doubt* (*with due regard*) *the saying of St.* [o] Hilary *against* Auxentius, *Your love is fondly set upon faire walls; you doe ill to make your respect of the Church, by the outward splendour or statelinesse of structure: know you not that Antichrist will set his Throne in such as these?* But this is his Quære, none of ours; we goe on.

[o] Malè vos parietum amor cepit, malè Ecclesiam Dei in tectis, ædificiisque veneramini——Anne ambiguum est in his Antichristum esse sessurum. *Hilarius contra Auxent. pag. 216. & 217.*

We had thought, it had been the established Doctrine of the Church of England (in the Homily of the time and place of prayer) *that it is a necessary and perpetuall duty* (*by the fourth Commandement*) *to celebrate one day in seven with religious observances*; but wee find that Doctrine publickly gain-said by divers, and the Doctrine of the Popish Schoolemen as publickly maintained

tained against it, in divers Treatises in print. And for the Articles of Religion themselves (wherein chiefly wee conceive the Doctrine of our Church to be contained, and by Authority, both Civill and Ecclesiasticall, to be established) they are much impeached in the power and vigour of their stability, by leaving such liberty for the points of free-will, predestination, and possibility of keeping Gods Commandements (as before hath been noted) which by the 10. 15. and 17. Articles are resolved, against the opinions of the Papists: and much more are they wronged by him, who hath written a [p] Booke, and therein hath laboured with much subtlety and diligence, so to mince them by manifold distinctions; and to wrench them from their proper, to a Popish construction; as if the Convocation that concluded them, had had no mind or meaning to contradict the Councell of Trent: and that now our 39. Articles *were patient, yea ambitious of some sense, wherein they may seeme Catholick* (i. *in their sense, Popish*) as a late [q] Papist with great boasting hath upbraided unto us: So in the book called *Charity maintained.*

By expounding and applying of these Articles in a new way, hath *Franc. à Sanct. Clara* troden out a new tracke (though with many intricate turnings and windings) in which men of equivocall consciences may send their faith to Rome, while their affections keep close to their Interests in England; and hath taught them to play fast and loose (as to their Orthodox and Protestant sense) so that as [r] *Aristotle* said to *Alexander* concerning his Physicks, they were published, and not published; their words being read, and their meanings

p *Fran. à San. Clara* his book called *Deus, natura & gratia*, printed *Lugdun.* 1634.

q See Master *Chil.* his Preface in answer to the Author of *Charity maintained. pag.* 12.

r *Plutarch* in the life of *Alexander p.* 110

meanings not rought; the Articles might be ſaid to be eſtabliſhed, and not eſtabliſhed: eſtabliſhed as a ſacred Text, but not eſtabliſhed by meanes of an ambiguous Comment, turning the Interpretation (like a noſe of waxe) as eaſily to the left hand, as to the right: And how farre this cunning ſtratagem hath prevailed with ſome, we cannot tell; but, as in charity we hope well of thoſe of whom wee know no ill; ſo in godly diſcretion, wee dare not bee ſo confident in our good opinion, as to ſweare what we but thinke, and wiſh to be true.

But, though we cannot make faith upon Oath, how farre our Doctrine is eſtabliſhed, as in oppoſition to Popery, wee doe not deny but that our reverend Fathers and Brethren of the Synod might intend hereby, more firmly to eſtabliſh that Doctrine, which is moſt repugnant to ſuch opinions as they beleeved to bee properly Popiſh: and the rather, becauſe wee have been credibly informed, that the Oath was firſt propoſed, and ſo paſſed in the houſe of Convocation, as an abjuration of Popery onely.

But a ſecond time tendred (as in a ſecond edition) it was augmented, but (as we conceive) not amended, when the Diſcipline or Government was intwiſted in it, as it followeth in the next words.

THE OATH.

—Nor will I ever give my conſent to alter the Government of this Church, by *Archbiſhops, Biſhops, Deanes, Archdeacons, &c.* as it ſtands now eſtabliſhed, and as by right it ought to ſtand.

WHerein are obſervable many particulars, and each of them queſtionable; which wee will propoſe in that order, which may beſt conduce to make our Doubts capable both of right underſtanding, and due ſatisfaction; it is this:

1. *The degrees of Government,*
   1. *Expreſſed.*
   2. *Concealed under the* &c.
2. *Their ſtate, as it now ſtands.*
3. *Their right, as it ought to ſtand.*
4. *Their perpetuity not to be changed.*
5. *Our Conſtancy, that though they ſhould be changed, we ſhould not conſent.*

1. Of the degrees of Governours expreſt, *viz.* *Archbiſhops, Biſhops, Deanes, and Archdeacons.*

Doubt 6.

Whether the degrees here specified be propounded to bee allowed in the same, or in a different degree of assent and approbation. 6. Particular Doubt.

The Reason.

BEcause there is no distinction of them in the Oath, but in title and order; and yet there is so much difference betwixt them (in respect of approbation) that *Deanes* and *Archdeacons* (before now) were never by attestation, or subscription so farre approved, as Archbishops (but especially as Bishops) have been: how then can wee be so certaine of them, as now to give them (as it were *per saltum*) the highest degree of ratification at once, *viz.* a solemne Oath, when hitherto wee were never required to give our hands, or passe our words on their behalfe: and if the assent be intended in a different degree, how can wee compose our consciences in one and the same act of swearing, to approve further of the one, then of the other, the words of the Oath founding the same degree of assurance to them both? If then we take them together, wee cannot find how wee should avow their approbation, in one joynt and indistinct asseveration; especially upon Oath. But for *Deanes* and *Archdeacons* we have particular Doubts.

First, of *Deanes*

7. Particular Doubt.

The Doubt is,
what Deanes are here meant.

The Reason.

BEcauſe in the whole Canon law there is no title of the degree of a *Deane* (ſaith [a] *Azorius*) and in divers Authours we find the name *Deane* of a different acception; for (beſides the Military ſenſe, wherein it ſignifieth a Captaine of ten men, as [b] *Lindwood* hath it: the Monaſticall ſenſe, as it is taken and explained by Saint [c] *Auguſtine* for him, who hath the Government of ten Monks: the Academicall ſenſe, whereby it ſignifieth the ſame, in ſome Colledges, which the word *Cenſor* doth in ſome others) there is an Eccleſiaſticall Deane, and ambiguity alſo in the word, with that reſtriction: for (as [d] *Duarenus*, and others from him doe diſtinguiſh) there is one ſort which are called *Urban*, another *Vican*: to ſpeake in the phraſe of the preſent age, the *Urban* we may call *Cathedrall Deans*; the *Vican*, *Deanes Rurall*: the more [e] ancient name of ſuch was [f] *Archipresbyter*, that is, as the word importeth (and [g] *Onuphrius* expounds it) the chiefe or principall Presbyter: and ſuch a one is the Cathedrall Deane, among the City Presbyters; and a Rurall Deane, among the Presbyters of the Country.

Whether *Cathedrall*, or *Rurall Deanes*, or both be intended

a *Azor. Inſtit. tom. 2. l. 3. c. 17. pag. 360.*

b Decanus dicitur, qui decem militibus præeſt. *Lindw. conſtit. lib. 2. fol. 58. p. 1. col. 1*

c *Aug. de morib. Eccleſ. c. 31.*

d *Duaren. de miniſt. l. 1. c. 8.*

e In proceſſe of time Archipresbyters were called *Decani*. *Biſh. Downh. li. 1. pag.* 188. of the defence of his ſerm.

f *Concil. Turon. 2. Can. 6. an. 566. & Concil. Antinodor. Can. 40. an. 615.*

g Presbyterorum dicitur, ut Archidiaconus, & Archiſubdiaconus, Diaconorum & Subdiaconorum primi, & principes. *Onuphr. interpret. vocum eccleſ. addit. vitis Pontif. Rom. pag. 61.*

intended in this Oath, is ſomewhat doubtfull: That *Cathedrall Deanes* are meant, it is probable; becauſe they are placed next after Biſhops, and [h] before Archdeacons: and though the Archdeacon [i] bee ſaid to bee next after the Biſhop, and his *Vicar* (i. *Generall*,) *it is with reſervation of the right of the Deane, in reſpect of the Cathedrall Church*: And that *Rurall Deanes* ſhould not bee excluded, is probable alſo; becauſe Biſhop [k] *Downham* brings them in as Church Governours, with thoſe that are named in this Oath: and for that they are called [l] *Archipresbyters* (which is a title above Archdeacons) and in ſome places have had more juriſdiction (as in this Dioceſſe) untill a very few yeares laſt paſt, then the Archdeacons have had. And if both bee here meant, then firſt concerning the former ſort.

h So by the name of *Archipresbyter* is hee called, and put before the Archdeacon. *Concil. Carthag. 4. can. 17.*

i Archidiaconus ſit proximus poſt Epiſcopum, & ejus Vicarium, ſalvo tamen jure Decani, quod ad Cathedralem Eccleſiam ſpectat. *Reform. leg. Eccleſiaſtic. de Eccleſia & Miniſt. c. 6. fol. 48. b.*

k The Government and Diſcipline of our Church by Archbiſhops, Biſhops, Archdeacons, Rurall Deanes, &c. eſtabliſhed. *Reformat. leg. Eccleſ. Tit. de Eccleſ. Biſh. Downh.* in his anſwer to the Preface of the Refuters of his conſec. Serm. *pag. 6.*

l Archipresbyteris ſive Decanis Ruralibus. *Ibid. c. 5. fol. 48. a.*

Doubt 8.

What is the Authority and Government of Cathedrall Deanes.

8. Particular Doubt.

The Reason.

1. BEcauſe *Deanes Cathedrall* and *Rurall* (being both comprehended under the title of *Archipresbyters*) their office is ſo deſcribed by [m] *Lindwood* and others, that it is difficult to diſcerne what is proper or peculiar to them in ſeverall.

m *Lindw. prov. conſtit. à fol. 39. ad 46. inclusive. Spalat. de Repub. Eccleſ. li. 4. c. 5. pag. 590.*

Secondly, where they are more distinctly set downe, the [n] *Cathedrall Deane* is brought in as President of the Canonicall Colledge, for the government of the Cathedrall Church, according to the Constitutions of their foundation; and so is said to be an assistant to the Bishop at home (that is, in the Cathedrall Citie, as the *Archdeacon* is abroad in the Country;) but there cometh in much doubt and ambiguity, what Government is meant: for the Bishops and Deanes are often at difference about their Authority; which is more or lesse, according as the Charters of their foundation doe vary: which to some give a larger, some a lesser power and preheminence. For the Deanes of Westminster and Windsor (as [o] wee have heard) have Episcopall Jurisdiction, which other Cathedralls (for the most part) have not. Some have Statutes, by which they governe; and some (as the Deane and Canons of Christ Church in Oxford) are *leges loquentes*, speaking laws; and therefore are very fitly called Canons, or Rules, governing according to the dictate of their owne discretion and conscience; and so wee cannot (in respect of such) apply Bishop [p] *Halls* distinction betwixt Rules of government, and Errours of execution, to accept the one, and reject the other; nor can we swear to their Government, though with distinction (for that is uncertain to us both for rule and practise) much lesse with confusion, as in the Canon it is contained.

Thirdly, the Jurisdiction of Deanes and Chapters may bee much augmented by Synodicall Constitutions:

n Decani Cathedrales Ecclesias juxta illarum constitutiones regant, Collegiorum Canonicorum, tum aliorum Clericorum Ecclesiæ præsint—ut Archidiaconi foràs, sic illi domi, hoc est, in Ecclesia Cathedrali Episcopo sint adjumento. *Reform. leg. Eccles. & c. de Eccles. & Minist. c. 8. fol. 94. p. 21.*

o By the Bish. of Chest. that now is.

p Bishop *Halls* Corollary added to his Irrefrag. propos. *pag.* 7.

ons: for in the late [r] Grant of the Benevolence to his Majestie by the Provinciall Synod at Yorke (and wee doubt not, but it is so also in that of the Province of Canterbury, though yet we have not seen it) during the vacancie of any Bishopricke, they have granted unto them Authority to exercise the Ecclesiasticall censures of *suspension*, *excommunication*, *interdicts*, and *sequestration* against such as deny, or delay to make payment of the Benevolence there concluded.

[r] The Grant of the Benevolence by the Province of York. *p.* 18, 19.

Fourthly, some Deanes and Chapters have had so much Authority within themselves, as to bee out of the reach of Archiepiscopall power; and therefore have refused to be visited by the Archbishop.

It was so betwixt the [s] Deane and Chapter of Durham, and the Archbishop of Yorke many years agoe, which exemption (by some reluctant contestation of the Clerke sent from them to the last Convocation) seemed neither forgotten, nor forsaken by that Deane and Chapter.

[s] Master *Foxe* his *Martyrolog. tom.* 1. *p.* 458.

Fifthly, in the Booke of Reformation of Ecclesiasticall Lawes, made by King *Henry* the eighth, and King *Edward* the sixth (which appeareth to be yet in force, and was very lately reprinted for better Information touching the Government of the Church) there is this rule set downe for Cathedrall Churches,

[t] *They shall keep their Statutes of their foundation pure and entire, so farre as they shall not be found adverse to the Word of God, nor to our Constitutions of Religion, either already published, or hereafter to be published.*

[t] *Reform. leg. de Eccles. & Minist. cap.* 7. *fol.* 49. *p.b.*

Where (to conclude this Doubt) wee see so much diversity, and in some respects contradiction, touching the

the Government of Cathedrall Deanes and Churches (for ſome have Epiſcopall Juriſdiction, ſome have not, ſome have Statutes, ſome have none;) and beſides all, the doubt of that which already is in uſe, ſo much uncertainty of what may be hereafter (according to this Conſtitution) that wee can find here no ſolid ground for a ſacred Oath.

Of *Deanes Rurall.*

The 9. Doubt is

9. Particular Doubt. *what is the Authority or Government of a Deane Rurall.*

The Reason.

BEcauſe (under the name and title of *Archpresbyters*) they have had much Authority in Government of the Church in former times; whereof the moſt obſervable particulars are collected by a very learned [u] Doctour of our Church, and they are chiefly theſe:

u Doct. *Field* of the Church *l.5.c.29.p.507, 508,509.*

Theſe Archpresbyters, *or* Deanes Rurall, *were to be choſen by the Clergie, and* [x] *not to bee depoſed by the Biſhop; without the conſent of thoſe that choſe them; they were to aſſiſt the Biſhop in Government, and that of ſuch neceſsitie, that hee muſt not bee without them: Their office was to admoniſh both Laitie and Clergie of their dutie; and to ſee that they did it: They were to viſit the Churches of their precincts twice a yeare; and if any of*

x Epiſcopus nec Abbatem, nec Archipresbyterum ſine omnium ſuorum compresbyterorum & Abbatum conſilio de loco ſuo præſumat ejicere. *Conc. Turon. 2. Can. 6. Caranz fol. 239.*

of the [y] *Laity were wilfully minded against their admonitions, they were so long to bee excommunicated out of the Church, untill they were reformed. They were to have a Chapter of Parish Ministers, who (within a yeare after they were possessed of their Livings) were to sweare to the Deane, and so to bee admitted as brethren, to sit in the Chapiter with him and to be bound to come to the yearly Chapiter, and otherwise also, when upon urgent cause the* Deane *should call a Chapiter (which was ordinarily foure times in the yeare) and to beare part of the charge. In these Chapiters, the Archipresbyters were to publish the Decrees of Provinciall and Episcopall Synods; and to urge the execution of the same. The limits of their power in Government were, to suspend Laymen from the Sacrament, and Clergiemen from execution of their office: hitherto they might proceed, but no further.*

y Si quis ex Secularibus institutionem aut comminationem Archipresbyteri sui contumacia faciente audire distulerit, tam diu à limitibus Ecclesiæ habeatur extraneus, quàm diu tam salutarem institutionem adimplere distulerit. *Concil. Antisiod. Can.* 40. *Ibid. fol.* 267.

But in practice, partly by the connivence, partly by the corruption of the Bishop, they lashed out beyond their line: for, as a zealous Preacher complained in the Councell of Rhemes, *The* [z] *Archipresbyter went about in visiting of his circuit, selling all sorts of sinnes, Murder, Adultery, Incest, Sacriledge, Perjury, and thereby filling his purse, the fame whereof coming to the eare of the Bishop, hee sends for him, that hee may have a share with him; upon demand he denieth, upon deniall they wrangle: but at the last, he knowing that if the Bishop be against him, he must forgo*

z Archipresbyter circuit obedientiam sibi creditam, vendit Homicidia, Adulteria, Incestus, Fornicationes, Sacrilegia, Perjuria; ad summum, implet manticam suam, famâ volante innotescit Episcopo talis quæstus, &c. *Serm. cujusdam ad Cler. in Concil. Rhem. in oper. Bernard. col.* 1736

his gaine; hee yeeldeth him a part: and so, saith that Preacher, *are* Herod *and* Pilate *reconciled against Christ.*

In later times, especially in most Dioceſſes of England they have had leſſe to doe, and done leſſe evill; Doctor *Cousins* the Civilian, ſetting downe the *Deane Ruralls* office, maketh it to conſiſt in little elſe, then in calling [a] *Claſſicall Aſſemblies* (that is, thoſe who are to aſſemble within his Deanry) *to ſignifie the mind of the Ordinary, according to the tenour of letters received from him; and in abſence of the Archdeacon, to induct into Beneſices.*

a Decanos Rurales vocant, atque plerumque adhibentur ad convocandum ſuam claſſem, ad ſignificandum iis non nihil ab ordinario, ut fit per literas ad inducendum in Beneficia vice Archidiaconi remotiùs agentis. *Doct. Couſ. de Polit. Eccleſ. Angl. c. 7.*

But in this Dioceſſe, the *Deanes* for many yeares paſt have had a great part of Epiſcopall Juriſdiction ſhared among them; and this by Patent for lives or yeares from the Biſhops, allowing ſometimes larger, ſometimes leſſe Authority unto them: Some have had power *to* [b] *cenſure all offenders, and offences of the Laity; the crimes of Inceſt and Adultery alone excepted.* And ſome have beene limited to the correction of ſome few faults ſpecified in their Patents; and of late, about (or not much above) three yeares ſince, have moſt of the Deanries been compounded together into one Patent, or two at the moſt: and aſſigned to the Archdeacons by your Lordſhip, and by them reſigned for execution to the Chancellour (as their Officiall) for that Juriſdiction.

b Crimina & exceſſus quorumcunque Laicorum, criminibus Adulterii & Inceſtus tantummodo exceptis. So in the Patent of M^r. P. M^r. E. M^r. L. for the Deanrie of F.

Now, if *Deanus Rurall* be meant in the Oath (and conſidering

considering what authority and power, both in former times, and of late they have had in this Diocesse, and it may be, by the Constitutions of the Church yet in force ought to have, we know not why they should bee left out of the Government of the Church; nor why they should not bee contained under the title of *Deanes*) how can wee, without being over-bold with our consciences, take them into such an Oath, there being so much diversity and uncertainty of their Authority?

Of *Archdeacons*

The 10. Doubt is,

What is the Authority and Government of Archdeacons. 10. Particular Doubt.

The Reason.

BEcause Deacons are inferiour to Presbyters (so farre inferiour) that a Deacon, though dignified, should not presume to sit before a Presbyter, by the [c] sixth Councell of Constantinople; and so an Archpresbyter (as a Deane Rurall is usually stiled) should be superiour to an *Archdeacon*: but as Doctor [d] *Field* observeth, notwithstanding all the Canons to the contrary (& they were many, as we may have occasion to note elsewhere) and the violent opposition of *Hierome*, and other Worthies of those times: they were lifted up, not only above Presbyters, but above Archpresbyters also, and that came to passe (as hee observeth) for divers causes.

[c] *Concil. Constantinop. 6. Can. 7. fol. 311. Caranz.*

[d] Do&. *Field* of the Church. *l. 5. c. 25. p. 492.*

First, because there were fewer Deacons then Presbyters; and so [e] *paucity made the one sort to be honourable, and multitude the other rather contemptible.*

Secondly, because Deacons had the charge of the treasure of the Church, which kind of imployment is usually much set by.

Thirdly, because they were often used by the Bishop for viewing of such parts of his Dioceſſe, as hee could not conveniently visit himselfe; and wee may conceive the reason of that to be, because the Deacon was a close adherent to the side of the Bishop, and that so necessarily, as *Epiphanius* conceived, that (as [f] before we have noted under another title) hee said, [g] *It was impossible for a Bishop to bee without a Deacon*; whereupon in tract of time, as the Cardinalls by their propinquity to the Pope, overtopped the Bishops (who at first were so farre inferiour to them, [h] *That a Bishop would not be a Cardinall, because hee would not submit to a diminution of dignity*) so the *Archdeacons*, by their neerenesse to the Bishops, came to be exalted above the Presbyters; which (as Doctor [i] *Field* conceiveth) was in Saint *Hieromes* time.

But, though there were then an *Archdeacon* above the Deacons (who did not only officiate himselfe, but prescribed unto others what they should doe) yet an *Archdeacon*, with allowed Jurisdiction over Presbyters, was of a later Institution. Bishop [k] *Andrewes* saith, an *Archdeaconship* is *a new degree*, which (I suppose he would not have said) if it had been authorized in Saint *Hieromes* time; when, if it were in use, it was without

e Diaconos paucitas honorabiles, Presbyteros turba contemptibiles facit. *Hier. ad Evagr. tom. 2. pag. 334.*

f 3. Partic. Doubt. *pag. 20. lit. q.*

g Sine Diacono impossibile est esse Episcopum. *Epiphan. Heres. 75. l. 3. tom. 1. p. 215. col. 2.*

h —refertur multos Episcopos prætermissos fuisse Cardinalari, ne sic dignitate minuerentur. *Fulv. Pacian. Tractat. de probationibus, lib. 2. cap. 28. fol. 94. p. 1. col. 1.*

i Doct. *Field* of the Church. *l. 5. c. 25. p. 492*

k Archidiaconatus gradus est novus. *Bish. Andr. in Resp. ad 3. Epist. Pet. Moulin. p. 191.*

without the approbation of the best, as hath been noted: wee may well conceive then, that Saint *Stephen* the *Protomartyr* was not an *Archdeacon*, as he is called in the Decree of [l] Pope *Lucius*.

[l] *Decret. Lucii Pap. an.* 255. *Caranz. sum. concil. fol.* 28. *pag.* 1.

For the *Archdeacons* Jurisdiction, it is so diversly set downe in Ecclesiasticall Constitutions, that it is very hard to tell, what by rule their Office or Government is, as will appeare to him, who will take paines to peruse the quotations in the [m] Margin; so that from Constitution their Authority flyeth for refuge to Prescription: of which Doctor *Field* saith thus, [n] *The Archdeacons (which at first might not sit in the presence of a Presbyter, but being willed by him so to doe) in the end became (by reason of their imployment by the Bishop) to be greater, not onely then the ordinary Presbyters, but then the Archpresbyters themselves; and therefore it is confessed by all, that the Archdeacon hath none Authority, or power of Jurisdiction, by vertue of his degree and order, but by prescription onely: nor can hee claime more then hee can prescribe for*; and it may be, hee may prescribe for that which is not commendable haply, not lawfull: as for that which the Councell of *Challons* severely condemneth, [o] *It is reported by some* (saith the Councell) *that Archdeacons use domination over the Presbyters and take tribute from them; which smelleth rather of tyrannie, then of order.*

m *Concil. Aurel.* 5. *Can.* 20. *p.* 473. *decret. l.* 1. *de officio Archidiac. fol.* 56. *p.* 1. *col.* 1. *Liadv. provinc. constit. lib.* 1. *de offic. Archidiac. fol.* 36. *col.* 2. *à Reformat. leg. Eccles. de Eccles. & Minist. c.* 6. *fol.* 48. *b. Azor. Instit. tom.* 2. *l.* 3. *cap.* 43. *col.* 448. *Doct. Conf. de pol. Eccles. Angl. c.* 6. Certaine Canons containing some points of Discipline approved in the Synod. 1571.

n Doct. *Field* of the Church. *l.* 5. *c* 29. *pag* 509.

o *Can.* 15. *apud Sympf.* of the Church. *p.* 560.

Prescription and *Custome* may prevaile against *Right*

and *Truth*, as many times they doe, as *Tertullian* ſaith, o *Whatſoever is ſet up againſt that, is Hereſie, though it be an old cuſtome.* In this Dioceſſe the *Archdeacons* have for the moſt part been but titular, ſince the foundation of the Biſhopricke, into which were incorporated two *Archdeaconries*; the one of Cheſter, the other of Richmond: and of late ſome Rurall Deanries (as before we have obſerved) were aſſigned unto them; and ſome of us have heard your Lordſhip ſay, *That their Juriſdiction is ſuch, and ſo much, as you are pleaſed to permit unto them*: and what that is, who can tell but your ſelfe? how then may it be ſafe to ſweare to the Government of the Church by *Archdeacons*, when wee cannot know what their Government is; ſince the rules of that Office are very uncertaine, and the preſcription by practice more uncertaine to us (eſpecially) who have had no ſuch Juriſdiction in uſe among us: and it may be, if wee had, wee ſhould find more cauſe to except againſt it; then to ſweare for it; which wee deſire may not bee interpreted to the prejudice of any worthy perſon of that denomination: and wee doubt not, but there are many ſuch, and ſome well knowne to many of us, for men of very eminent endowments, both intellectuall and morall; whom we acknowledge for ſuch, and ſo deſire to enjoy them, as our deare brethren and friends.

o Quicquid adverſùs veritatem ſapit, id Hæreſis eſt, etiam vetus conſuetudo. *Tert.*

Of the *&c.*

Our Doubts hitherto have beene of the Governours expreſſed; our next Inquiries are to bee made of

of the *&c.* and of such Governours as are concealed under it: and thereof our Doubts are divers, and so counting on, our

II. Particular DOUBT is,

Whether we may safely take a new Oath with an &c. II. Particular Doubt.

THE REASON.

BEcause in a new Oath we cannot be certaine, without some expresse direction (which in this case we find not) how farre the sense of the *&c.* reacheth: and so we cannot sweare unto it in judgement (as the Prophet *Jeremy* directeth, *Jerem.* 4. 2.) but at the most in opinion: There is no man would willingly seale a Bond with a blanke for the summe, so that the Obligee might make the debt as large as hee listed; and we conceive we should be more cautelous in ingaging our soules by an Oath, then our estates by a Bond: since in this the tye is more vigorous, the breach more dangerous, then it is in that; and wee verily thinke, that if wee should returne our deposition with some termes of the Oath, as *I* A.B. *doe sweare, that I doe approve the Doctrine and Discipline of the Church of England, and presently breake off with an &c.* (though what followeth be well enough knowne) it would not be allowed for a lawfull Oath, which yet seemeth to us more warrantable, then that which by this Canon is tendred unto us.

DOUBT 12.

Doubt 12.

12. Particular Doubt. *How farre the &c. is to bee extended, when it is expresly declared.*

The Reason.

Because of the variety of opinions, which have beene conceived of the Contents of it; * some (who suppose they understand the Oath so well, as to be able to expound it to others) have said, that the Governours of the Church are expressed before the *&c.* and that under the *&c.* are implicitely compriſed the Rules or Constitutions of Government, especially the Booke of Canons of the yeare 1603. but most conceive this to be an impertinent interpretation; because the *&c.* importeth somewhat of the same sort that went before; and thus to expound it, is to make a groundlesse transition *à personis ad res*; but if we agree (as most doe) that persons are meant under the *&c.* and those persons Governours (which is most probable) our Doubt is, what Governours they be.

* M.S.T.

Doubt 13.

13. Particular Doubt. *What Governours are included in the &c. whether the King, as Supreme, be altogether omitted, or implicitely contained in it.*

The Reason.

Because wee doe not know, why hee should bee wholly omitted; since hee is supreme Governour over all persons, or causes, both Ecclesiasticall and Temporall,

Temporall, and so to bee acknowledged by all Preachers in their prayers before their Sermons, by the 55. Canon: nor can wee conceive any just cause, why he should be but covertly implyed in an *&c.* when inferiour degrees are formally expressed.

Object. If it bee said, that there is a peculiar Oath for his Supremacy to bee taken at the Ordination of Ministers, and at other times by other persons, upon severall occasions,

Answ. We conceive that should bee no let to the asserting of his Soveraigne Right in this Oath; because that Oath of Supremacy is expresly made (as the title of it sheweth) to shut out the usurpation of [q] forrain powers and Potentates; and so giveth no such security against those popular diminutions of his Ecclesiasticall Authority: the jealousie whereof occasioned the reverend Prelates of the Church in the late Synod, to propose this Oath, as a Bond of assurance of their Episcopall preheminence.

q The Bishop shall cause the Oath of the Kings Supremacy, and against the power and authority of all forraine Potentates, to bee administred to every one of them that are to be ordained. So in the Ordinat. of Deacons.

They have shewed themselves zealous (we confess) in pressing his Royall Right, both ecclesiasticall and civill, against all [r] popular, as well as Papall impeachments: and have annexed a penalty against such, as shall *by word, or writing publickly maintaine, or abett any position or conclusion, in opposition to their explication of the Kings Authority.*

r *Can.* 1. *p.* 13.

But yet there is no Oath required, to oblige any subject to a perpetuall approbation of his Regall power, as supreme Governour of the Church, as there is for Archbishops and Bishops: nor is the penalty for

publicke opposition thereof so dangerous, as *for a private forbearance of the Oath* (though with a timerous and tender conscience.) For, for not taking of the Oath, a Minister may for ever bee deprived of all hee hath within three moneths; but for publicke opposition against the Kings power, hee shall not suffer so much, unlesse hee continue contumacious two yeares together, as they that reade and marke the Canon shall observe.

It may be his Majesties Supremacie was left out by accidentall oblivion; or if by resolved intention, it was perhaps upon supposall, that the caution of the first Canon made it superfluous: and it may be, there may be some secret mysterie in this omission, which (if wee may not presume to know) some haply will imagine, it is to give some better colour to the Bishops proceedings, in sending out the Processes of their Ecclesiasticall Courts in their own names, which hath been often reproved by their opposites (as very prejudiciall to the Royall Prerogative) though (of late yeares) for that particular there hath been an award procured and published on the Bishops behalfe, according to the request of the Lord Archbishop of Canterbury that now is.

Object. But howsoever if the mention of his Soveraigne Authority bee omitted, there is the lesse to sweare to; and so the charge of the Oath is more

[I do humbly in the Churches name desire of your Majesty, that it may be resolved by all the reverend Judges of England, and then published by your Majestie, that our keeping Courts, and issuing Processe in our owne Names, and the like exceptions formerly taken, and now renewed, are not against the Lawes of the Realme (as 'tis most certaine they are not) that so the Church Governours may goe on cheerfully in their duty, and the peoples minds be quieted by this assurance, that neither the law nor their liberty, as subjects, is thereby infringed. *L. Archb. his Epist. Dedicat. to the King before his Speech in the Starre-chamber.*

light,

light, and may for that the more heartily be taken.

Answ. It is true, if the omission give no occasion of timerous surmise; but to some it doth, and if in charity wee hope the best of it in this case, there is cause yet to doubt of the *&c.* and therefore wee further demand of the subordinate Governours implyed in it.

The 14. Doubt.

who, and what Governours they be.

14. Particular Doubt.

The Reason.

BEcause (in the title of the seventh Canon) there is mention of Archbishops, and Bishops, with an *&c.* and in the body of the Canon, Deans and Archdeacons are added to them, and the next words are [*and the rest that beare office in the same*] that is, in the Government of the Church of England. And those that beare office, besides these that are named, are *Guardians of Spiritualties, Suffragans, Chancellours, Vicars generall, Commissaries, Officials, Surrogates.* For the first:

[t] Guardians of Spiritualties [u] *are those, to whom the spirituall Jurisdiction of any Bishopricke, or Archbishoprick is committed, during the vacancy of the See.*

[x] Suffragans *are titular Bishops, ordained to assist the Bishop in his function, whose turne they supply now and then in Ordination of Ministers and Deacons, dedica-*

t The Kings Preface before the late Can. *pag.* 9.

u So in the statut. of 25. *H.* 8. *c.* 21.

x Episcopi Suffraganei coadjutores Episcoporum, quorum vice nonnunquam ordinant Ministros & Diaconos, dedicant Ecclesias, confirmant pueros ante informatos rudimentis Christianismi. *Doct. Conf. de polit. Eccles. Angl. c.* 7. *Vide etiam Reform. leg. Eccles. de Eccles. & Minist. c.* 16. *fol.* 51. *b.*

tion of Churches, confirmation of children, that have been inſtructed in their Catechiſme.

Chancellours, *who exerciſe ordinary Juriſdiction in the City of the Epiſcopall See, next to the Biſhop, and by Authority derived from him.*

y *Can.*104. y *Vicars generall* in ſome Dioceſſes are the ſame with the Chancellours, as we may ſee by the ſtile of their Proceſſes; but if the office bee conſidered of it ſelfe (as ſome deſcribe it) it is very large: for thus we find it in *Azorius.*

z *Vicarius generalis* poteſt excommunicare, ſuſpendere, interdicere, Sacramenta conferre, vel conferendi facultatem concedere, conferre Beneficia, viſitare, inquirere, inſtituere, eligere, confirmare, præſentare, corrigere, punire votum, & juſ-jurandum commutare, relaxare. *Azor. Inſtit. tom. 2. lib. 3. cap. 43. col. 448.*

A z Vicar generall *may excommunicate, ſuſpend, interdict, conferre Sacraments, or give faculty to others for that purpoſe, hee may collate Benefices, viſit, inquire, inſtitute, elect, confirme, preſent, correct, puniſh, change vowes, and diſpenſe with Oaths.*

a *Can.*103. 119. 128. 135. *Convocat.* 1603.

a Commiſſaries b *are ſuch as exerciſe Juriſdiction afarre off, over thoſe who cannot well come to the Biſhops Conſiſtory in the City.*

b *See Lindw. conſtit provinc. l.* 1. *cap.* 1. *de accuſat. verbo mandat. Archiepiſc.*

c *Can.*119. c Officialls *are properly ſuch as exerciſe Juriſdiction under Archdeacons, and are ſimply called* Officialls, *without addition: and if the Commiſſary bee called by that name (as many times he is) it ſhould not be ſimply, but (as in* d Lindwood*) with the addition of* Foraneus.

d *Lind. Tit. de ſequeſtr. poſſeſſ. c.* 1. *verbo* Officialis.

c Surrogates *are ſuch as are ſubſtituted by Chancellours, Commiſſaries, and Officialls.*

e *Can.*128. To which wee may adde Canons, or Prebendaries of Cathedrall Churches, who are joyned in Government with their Deanes; and are with them to bee *à conſiliis* to the Biſhop, *Clerkes* of the *Convocation*: and,

it

it may bee, Parſons alſo may bee reckoned among Eccleſiaſticall Governours: for they are called Rectors of their Churches, and Vicars; and other preaching Paſtours may be ſo called, governing their Flocks as they doe. And it may bee, Regiſters, Proctors, and Apparitours of the Conſiſtory Courts, and Church-wardens, and Sworn-men in particular Pariſhes may bee brought into the Oath, by the Explication of the ſeventh Canon. And if no Officers bee comprehended in it, but Governours; no Governours, but ſuch as have a coercive or compulſive power, there are yet ſo many ſeverall ſorts of them, ſo much diverſity among them, and ſo great difficultie to know their Government what it is, and how farre it reacheth, that very few, not onely of the Laitie, but of the Clergie alſo (who are not profeſt Civilians with all) can tell what hee ſweareth to, when hee ſweareth to them under their expreſſe titles, much leſſe when under the ambiguous Intimation of *&c.* Theſe are our Doubts of the degrees of Government; the next particular is their preſent ſtate.

2. Partic.

—As it now stands.

The 15. Doubt.

Whether the establishment of the[f] *Adjuncts, or the*[g] *not necessary Appendences of Bishops bee to bee sworne unto in this Oath.*

The Reason.

BEcause with them they now stand: Episcopacy is now honoured and assisted by Baronries, and the Eccleasiasticall Government by the high Commission; now there are but two Archbishoprickes: above the Archbishops no Patriarchs, and the[h] Archbishops (of Canterbury especially) have many priviledges and prerogatives; all which stand by the support, or fall by the weight of Royall Authority, from which their[i] Jurisdiction is derived.

For first, as Bishop *Godwin* observeth, when *Rich. Clifford* was made Bishop of *London* by the Popes provision, against the Kings mind (it was King *Edward* the fourth) he[k] denied to give him his Temporalties, and so made him desist from pursuit of that spirituall promotion; and the same power will bee (we doubt not) confessed by all our Bishops, to bee in all our Kings successively.

Secondly, for the high Commission, it was first set up (as some Lawyers have told us) but in the beginning

15. Particular Doubt.

f So the Archbish of Cant. disting. in his Speech in the Starre-chamb. an. 1637. p. 6.

g So Bish. *Hall* calleth them, in the Coroll. to his prop. touching Govern. p. 7.

h Doct. *Cous. de polit. Angl. cap.* 3.

i *Stat.* 37. *H.* 8. *c.* 17. *Stat.* 1. *Edw.* 6. *c.* 12. *&* 25. *H.* 8. *c.* 19. *&* 1. *Elis. c.* 1. *&* 5 *Elis. c.* 1. *&* 3. *Jac. c.* 4.

k Bish. *Godw.* in his Catol. of Bish. *p.* 200.

ning of Queen *Elisabeths* raigne; and is not so established, but that by Regall power it may bee demolished.

Thirdly, there may bee more Archbishops then two, if it please the King: for, by the same right, or better, that [l] *Offa* King of Mercia erected a new Archbishopricke in *Lichfield* (leaving to the Archbishop of *Canterbury* for his Province onely *London*, *Winchester*, *Rochester*, and *Sherbourne*) may his Majesty that now is erect new Archbishops in what Dioceese hee pleaseth, and may restore the old; and so not onely *Lincolne* shall bee an Archbishopricke, but [m] *London* and *Glamorgan*, or [n] Saint *Davids*: and for *London*, it continued so from the yeare 300. or thereabout (though *Stowe* say it was the same Archbishopricke with Canterburie, onely locally changed) until *Gregory* his time, who was Pope about the yeare 600. and the King may limit their Jurisdiction, as he shall conceive to be most convenient.

l *Ibid. pag.* 58.

m Archbish. *whitg.* out of Master *Foxe* noteth, that about the year 180. the three *Archiflamines* of the Pagan Britain were changed into three Archbishoprickes: the one of *London*, the other of *Yorke*, the third of *Glamorgan*, none of *Cant.*

Archb. *Whitg.* reply to Master *Cartwr. pag.* 323. It is like the most of England was under *London*, the rest and Scotland under *Yorke*, as Bishop *Godwin* writeth, and under *Glamorgan* Wales. *Godw. Catal. of Bish. p.* 181, 182.

n *See Godw. his Catal. of Bishops. pag.* 503, 504.

Fourthly, over the Archbishops of his dominions (for the calling and governing of a [o] Nationall Councell) hee may place a Patriarch; and King *James* shewed himselfe well enough inclined to such a superiority, when he said, [p] *Patriarchs, I know, were in the time of the Primitive Church, and among them there was a contention for the first place: and for my selfe,*

o Nationale Concilium Patriarcha regni convocare debet, Provinciale Archiepiscopus, &c. *Prælud. in Caranz. sum. concil. cap.* 3. *p.* 4. *edit.* 1633.

p King *James* his premonit. to free Princes and States. *pag* 366.

ſelfe if that were yet the Queſtion(and Papall Innovation in Religion put downe; for that is his meaning, though he doe not plainly expreſſe it) *I would with all mine heart give my conſent, that the Biſhop of Rome ſhould have the firſt ſeat: I being a Weſterne King, would goe with the Patriarch of the Weſt*, as the Churches of great Britaine of [q] courteſie, not of duty, in former times were wont to doe.

q By humane Inſtitution wee ſuffered our ſelves to be ranged under the Church of Romes Patriarchall Authority, as being the moſt famous Church of the Weſt, a matter of courteſie, no neceſſity, no ſpirituall obligation. *Biſh. Hall againſt Brownists. ſect 23. pag. 590.*

And for each particular Prelate, whether Archbiſhop, or Biſhop, he is to bee regulated for his Courts, and other Juriſdiction, by Royall Authority: and how farre they ſtand eſtabliſhed in the Kings favour, purpoſe, or promiſe, we cannot tell, nor dare we ſweare; much leſſe dare wee bee ſo peremptory concerning the power of Deanes, or Archdeacons: for to Deanes, which have not Epiſcopall Juriſdiction, hee may grant as much priviledge as the Deanes of *Weſtminſter*, or *Windſor* doe enjoy; and by the ſame Authority that ſome may have more, may others have leſſe.

And for Archdeacons, the doubt is more, ſince their eſtabliſhment conſiſts in preſcription, as before hath been obſerved; and that preſcription in ſome reſpects may be a prevarication, fitter to be aboliſhed, then eſtabliſhed: as appeareth by that of *Spalatenſis*, ſaying, [r] *That the Archdeacons placing above the Archpresbyters is to be imputed to their pertinacy, and to the Biſhops connivence.*

r Cum Archidiaconi jam paſſim ſupra Presbyteros collocentur, id tandem nimiâ eorum pertinaciâ, & Prælatorum conniventiâ, eos eviciſſe meritò poſſumus affirmare. *Spalat. de Repub. Eccleſ. lib. 7. c. 4 pag. 273. 58.*

But in this Dioceſſe (for many yeares paſt) Juriſdiction

diction hath not been so much, as an unnecessary appendance to Archdeacons; (since all that while) it hath been no appendance at all: for untill very lately they had no Jurisdiction at all; wee cannot then say, much lesse sweare, their Government is established, since it was but newly erected, and made up out of Rurall Deanries, which is a fabricke, like a Tent or Tabernacle newly set up, and may bee quickly taken downe againe.

3. Partic.

As by right it ought to stand.

The 16. Doubt.

What this Right is, by which the Government is meant to stand. 16. Particular Doubt.

The Reason.

BEcause there bee some, that thinke these words a limitation or restriction of the former: as if the meaning were, that we ought to approve of the establishment of this Government, so farre as of right it ought to stand, and no further: but concerning that, they that framed the Oath, could make no doubt of any ones dissent, and therefore in that sense would call for none assurance upon Oath.

It is more consonant to reason to conceive, that they meant to have an acknowledgement, not onely that the Government *de facto* is indeed established, but

that *de jure* also, *of right it ought to bee so*, but then, *Quo jure* will be the Question, whether the same, or a diverse right? If the same, whether shall Bishops come downe to Deanes and Archdeacons, and claime no better warrant for their dignity then they? or shall Deanes and Archdeacons advance the Tenure of their Authority as high as Bishops doe, to claime their preheminence and power by divine right? that as in the case of the Boemians (concerning the use of the Communion cup, at the Counsel of [f] *Basil*, but more justly then so) may bee denied to them all, when under some other title, preheminence may be allowed unto them.

[f] Basilienſe concilium conceſſit Boemiæ utriuſque ſpeciei uſum, modo fatererentur id ſibi concedi ab Eccleſia, non autem ad hoc teneri divino jure. *Bellarm. l. 1. de Sacram. in genere, c. 2. ſect. 2.*

Some conceive the word *Right* was left at large in favour to Deponents, that there might be a latitude for such as are of a scrupulous conscience, to conceive such right as they could best approve of: and especially that right which agreeth to them all, to wit, a *Positive and Ecclesiasticall right by humane constitution or prescription*. But those that have better meanes to know the minds of the Composers of the Canons, will have the Right diversified, according to that to which it is applyed; as, that Bishops stand by divine Right, the rest by Right Ecclesiasticall.

To this purpose we may bring in the saying of our Saviour, *Lo, I am with you to the end of the world*, Mat. 28. 20. which is not to be understood in person, but by assistance (for neither he, nor they his Apostles, to whom hee spake, were to bee in the world, untill the worlds end) and this assistance is divers: infallible, as to the Apostles, but sufficient only to their successors;

so

ſo the Right may be conceived to be divine in reſpect of Biſhops; but humane to all the reſt. But of this tenet of divine Right, though it be held by very [t] great Prelates of our Church, and by [u] ſome ſaid to be the Doctrine of our Church, ſuch a Doctrine, and ſo fully delivered by the Apoſtles, *That there is not the tenth part of the Plea for the Lords day from their writings, which Biſhops have for their Epiſcopacie* (which compariſon, God willing, ſhall bee examined elſe-where) and that [x] there be *divers points of faith (weighty points) which have not ſo ſtrong evidence in* [y] *Scripture*; ſo ſtrong *evidence, that heaven may as ſoone fall, as that faile the Biſhops.*

t The Archb. that now is, in his Speech in the Starre-chamber. *p.* 6.

Biſhop *Hall* in his late booke intitled *Epiſcopacy by Divine right.*

u Biſh. *Andrewes* in his Anſwer to the 18. Chapter of *Perrons* Reply. *p.* 15.

x *Biſh. Hall of Epiſcop. part.* 2. *p.* 47.

y Biſh. *Hall Ibid. part.* 1. *pag.* 63.

And though ſome (who have beene approved for their very great and faithfull labours in the Church, and for extraordinary zeale againſt all Popiſh opinions) have [z] acknowledged ſomewhat in the calling of Biſhops to bee Divine and Apoſtolicall; yet there is much ſaid on the contrary ſide: which, if it ſerve not to induce a deniall of that high and holy claime, may occaſion at leaſt a doubting thereof. And very doubtfull it was (in the Councell of Trent) by reaſon of the diverſity of opinions there propoſed: for though the ſuperiority of Biſhops over Presbyters were [a] *de facto* confeſſed, *de jure* it was doubted, whether it were [b] by a Divine, or by a Pontificall right; that is, whether by a right derived from the Scripture, or from the Pope? and we may adde (according to the [c] Auguſtan confeſſion) or neither: for that alloweth no difference

z *Willet Synopſ. Papiſ. contro.* 5. *qu.* 3. *p.* 277.

a Hiſt. of the Councell of Trent. *l.* 7. *pag.* 596.

b *Ibid. p.* 597.

c *Ibid. p.* 606.

betwixt a Biſhop and a Presbyter, but by cuſtome and conſtitution Eccleſiaſticall; and ſo doubtfull was
d *Ibid.p.597.* their d Tenure, that ſome (in that Councell) were willing to avoid the diſcuſſion of that doubt; and the
e *Ibid.p.638.* chiefeſt of the Prelates (the e Cardinall of Loraine) when he diſcourſed of that Queſtion, ſpake ſtill ambiguouſly; and at laſt concluded, *That the Queſtion was boundleſſe:* and though they made it more intricate, then with us it can bee, by their erroneous opinion of the Papall power and prelation over Biſhops (whereof we conceive no ſcruple at all, ſince wee reject it, as a Paradox in our Church) yet there is doubt for all that of the Authority of Biſhops by *divine right*; and juſt ground for that doubt: for

f Paulus in Epiſt. Presbyteri & Epiſcopi appellatione promiſcuè utitur, idque Chryſoſt. Auguſt. Hier. aliique annotarunt. *Duaren. de miniſt. c. 7. fol. 8.*

So alſo Biſh. *Downham* in his defence of his conſecrat. Serm. *l. 1. c. 3. p. 64.*

Biſh. *Hall* in his booke of Epiſcopacie. *part. 2. p. 10, 11, 20.*

First, Saint f *Paul* in his Epiſtles uſeth the words *Biſhop* and *Preſbyter* in a promiſcuous manner; as *Chryſoſtome, Auguſt. Hierome,* and others have obſerved: and all three have ſpoken ſomewhat to bring Presbyters neerer to an equality with Biſhops, then the Tenet of ſuch ſuperiority (by *Divine Right*) as is pleaded for, will admit: for, *Chryſoſtome* ſpeaking of Saint *Pauls* naming of Biſhops and Deacons, without mention of Presbyters: *as to all the Saints which are at Philippi, with the Biſhops and Deacons, Phil. 1. 1.* giveth this reaſon of their omiſſion, *Becauſe* (ſaith g he) *there is in a manner no difference betwixt a Biſhop and a Presbyter: onely in Ordination Biſhops have the* * *preheminence:* the ſame ſaith h *Hierome* in his Epiſtle

g Quia ſcil. inter Epiſcopum & Preſbyterum intereſt fermè nihil; ſolâ quippe Ordinatione ſuperiores illi ſunt. *Chryſ. in 1 Tim. 3. Hom. 11. tom. 4. col. 1485.*

* Not by Scripture, as is plain by 1 *Tim.* 4. 14. but by humane conſtitution, or cuſtome.

h Quid facit (exceptâ Ordinatione) Epiſcopus, quod Presbyter non faciat. *Hier. ad Evagr. tom. 2. pag. 334.*

to

to *Evagrius*; and commenting upon S. *Pauls* Epistle to *Titus*, [i] *Hee would have Bishops to know, that they are greater then Presbyters, rather by custome, then by truth of any constitution or disposition of the Lord; and that they ought (in common) to govern the Church.* Saint [k] *Augustine* to the same purpose saith, *That the phrase of the Church makes Episcopacy greater then Presbytery*, which Bishop *Jewell* rendreth thus: [l] *The office of a Bishop is above the office of a Priest (not by authority of Scriptures) but after the names of honour, which the custome of the Church hath now obtained.*

i Episcopi noverint se magis consuetudine, quàm dispositionis dominicæ veritate Presbyteris esse majores, & in commune debere Ecclesiam regere. *Idem in Tit. 1. tom. 9. fol. 153. pag. 2.*

k Secundùm honorum vocabula quæ jam Ecclesiæ usus obtinuit, Episcopatus Presbyterio major est. *Aug. epist. 19.*

l Bish. *Jewell* in the defence of his Apol. *part. 2. c. 3. pag. 101.*

The Parenthesis is his, brought in to make up the sentence of Saint *Augustine*; and as now the distinction of Bishops and Priests is received, it cannot (as [m] some, who yet approve of Episcopall preheminence, have written) bee directly proved out of Scriptures: and whereas [n] Archbishop *Whitgift* saith, the reason why Bishops and Presbyters are taken for the same, is, because every Bishop is a Presbyter; but not on the contrary, every Presbyter a Bishop: that reason for the Affirmative part is contradicted by [o] divers Instances; and for the Negative, it will not passe without exception, at least for the Apostles time: of which Saint [p] *Hierome* saith, that *a Presbyter is the same with a Bishop, and so was taken, untill by the Divels instinct some turned Religion into faction.*

m *Willets Synops. papist. gener. controv. 93. q. 3. p. 273.*

n Archb. *Whitgifts* answer to *T. C. p. 384, 385*

o See *Niceph. hist. l. 12. c. 12. Gerh. Bucer. dissertat. de gubernat. Eccles. p. 27. Franc. Long. annot. in concil. p. 142.*

p Idem erat Presbyter qui Episcopus, antequam Diaboli instinctu studia in religione fierent. *Hier. ep. ad Tit. cap. 1.*

And though [q] *Ærius* (when his ambitious desire to bee a Bishop was disappointed) in emulation and anger fell to contemptuous comparisons of Bishops with Presbyters; and therefore was noted by *Epiphanius*

q *Epiphan. hæres. 75. l. 3. tom. 1. contra hæres. p. 215. col. 1.*

nius in his Catalogue of Heretickes: and ſince him t *Michael Medina* made it materiall hereſie, to deny the diſtinction of *Divine Right* betwixt Biſhops and Presbyters, and the ſ Councell of Trent formally decreed it, with an *Anathema* to thoſe that deny it. Yet was not *Hierome* (though a vehement Advocate in the behalfe of the Presbyteriall dignity) much leſſe *Chryſoſtome* and *Auguſtine* for ſuch ſayings as theſe ever taxed for hereſie. Nor is u *Ærius* left without a probable Apologie, which may ſerve with ſome, not onely to expunge his name out of the Catalogue of u Heretickes, but to enroll it in the Regiſter of Orthodox Doctors.

And for the Tridentine Decree, it is the leſſe to be regarded, becauſe wee may ſay, as Biſhop *Jewel* doth of x *Leo, The words of the Biſhops of that Councell are of no great weight, becauſe they make a Decree in their owne cauſe.*

But *Chryſoſtome* and *Auguſtine* were Biſhops though *Hierome* was none; and yet they ſpake of Biſhops and Presbyters ſo equally as hath beene ſaid; and if untruly, indiſcreetly alſo: becauſe both againſt the truth, and themſelves. We may ſay the ſame of Biſhop *Jewel*, whoſe judgement is plaine againſt the opinion of Divine Right, by his expoſition of Saint *Auguſtine* fore-alledged. Beſides, y *Panormitan* and z *Pacianus* (very famous men in their faculties; the

t *Mich. Medin. de contin. ſacr. homin. l. 1. c. 5.*

ſ Si quis dixerit in Eccleſia Catholica non eſſe Hierarchiam divinâ ordinatione inſtitutam, quæ conſtat ex Epiſcopis & Miniſtris, anathema ſit. *Concil. Trid. ſeſſ. 7. Can. 6. fol. 561 b.*

t *Altare Damaſc. p. 276, 277, 278, 279.* See alſo *primam Pet. Moulinei epiſt. Epiſc. Winton. p. 161, 162.*

u One onely (i. *Ærius*) in ſo many hundred yeares oppoſed Epiſcopall government. Biſhop *Hall* of Epiſcopacy. *part. 1. p. 66.*

x As for the words of *Leo*, his own authority in his own cauſe cannot be great. Biſh. *Jewel* defence Apol. *part 2. c. 3. pag. 101.*

y Panormitanus in quæſtionibus ſuis ex mala interpretatione. Hier. negat hanc Divino Jure inter Epiſcopos & Presbyteros diſtinctionem. *Franc. à Santta Clara Apol. Epiſc. pag. 64.*

z *Fulv. Pacian. de probatione b. l. 2. c. 28. fol 96.*

one

one for a Canonist, the other for a Civilian, and divers more, to say nothing of the [a] learned men of the Reformed Churches in forraine parts) will not admit of any preheminence of a Bishop above a Presbyter by Divine Right. All which wee alledge not to contest with the reverend Prelates in point of Authority, but to shew, that if an acknowledgement of Episcopall preheminence (as of Divine Right) bee required in this Canon (and by that wee have shewed, wee have cause to suppose it) it is too problematicall an opinion for such confidence as should accompany an Oath.

[a] *Chamier. tom. 2. l. 10. c. 8. pag. 350.*

Of *Archbishops.*

Of *Archbishops*, though their Authority be greater, yet as touching the Tenure by Divine Right, our belicfe is lesser: for they that hold Bishops to bee superiours to Presbyters by Divine Right (as the Apostles were superiours to the 72. Disciples) doe not for the most part (unlesse they be Papists) allow of Archbishops in that sacred Episcopacy; and even he, who was an Archbishop himselfe, and highly advanced in print the Episcopall degree, hath out of *Ignatius* observed (and thereby affronted the Papall usurpation) that the twelve were all [b] equall as an Aristocraticall Colledge, no Prince or Monarch ruling over the

[b] Abundè probavi Christum suam Ecclesiam Apostolis omnibus æquè commendâsse, eosque ad hoc necessarii potestate æquè omnes adornâsse consentit. *Ignat. epist. ad Philadelph.* dum ad Apostolos veluti ad Presbyterium, Ecclesiæ Collegium, recurri postulat; Collegium verò Aristocraticum nemo ignorat. *Spalat. de Repub. Eccles. lib. 1. c. 12. pag. 137.* The Archbish. that now is saith the like of the Aristocraticall Government, and equality of the Apostles, and quoteth *Bellarm. de Ro. Po. l. 1. c. 9.* to the same purpose, making account his words are a confession of the truth against his owne side. So in relation of his conference *pag. 168, 200, 202, 380.* See Bishop *Hall* of Episcopacy *part. 2. pag. 139.*

rest,

reſt, as the Romaniſts pretend and aſſume in the name of St. *Peter*; wherein Saint [c] *Chryſoſtome* is directly oppoſite unto them, obſerving how Saint *Peter*, in an aſſembly of the Diſciples, *doth all by their common conſent, nothing by his owne authority, nothing in a lofty or a Lordly manner.* For, that Authority (which they take up as Saint *Peters* right) his Maſter and ours thought too much for him, or any one man elſe; fore-ſeeing, as the Archbiſh. of *Spalato* noted, [d] *That a Monarchy in a Church-man would bee apt to breake out into a tyrannie over the Church.* And for the tenure of Archiepiſcopall authority, wee may beleeve Biſhop [e] *Jewel*, where hee ſaith in anſwer to Maſter *Harding*, that *though Primates or Archbiſhops had authority over the inferiour Biſhops, yet they had it but by agreement and cuſtome, neither by Chriſt, nor by* Peter, *nor* Paul, *nor by any right of Gods Word.*

c. Jam & illud conſidera, quàm Petrus agit omnia ex communi Diſcipulorum ſententia, nihil authoritate ſuâ, nihil cum Imperio. *Chryſoſt. hom. 3. in Act. Apoſt. cap. 1. tom. 3. col. 459.*

d *Spalat. de Repub. Eccleſ. l. 1. c. 12. p. 138.*

e Biſh *Jewels* defence of his Apolog *part. 2. c. 3. diviſ. 5. pag. 110.*

Object. If it be objected (as by ſome it hath been) that though the Apoſtles had no Archbiſhops among themſelves (who had a priority of Order, and a majority of Rule above the reſt of that fundamentall Function:) yet (in reſpect of other Biſhops conſtituted by them) they were all Archbiſhops to thoſe that were under them; It may be anſwered,

Anſw. 1. That the right of Epiſcopacy hath not been ſo well cleared by Scripture, that it ſhould bee taken for an undoubted ground, whereon to erect an Archiepiſcopall power: for, there is ſo much difficulty and diſpute about that, as makes it to us uncapable of the aſſurance of an Oath.

Secondly, our Proteſtant Divines (when the Papiſts

pists plead for *Peters* Episcopall, or Archiepiscopall supremacy at Rome, to maintaine the usurpations of the Pope upon all other Churches) answered that (as we conceive, according to the truth) that to bee a Bishop, or Archbishop, and an Apostle, imports a repugnancy: for both Bishops and Archbishops were confined to a certaine compasse for their Authority; but the Apostles were of an unlimited liberty and power, both for planting and governing Churches all over the world: wherein they had every one of them such an equall and universall intereſt, that [f] no Apostle had any part of the world to himselfe, wherein the rest had not an Apostolicall and Pastorall right as well as he; which is not, nor can be so in Episcopall, or Archiepiscopall callings.

[f] Non erat ea facta divisio (scil. inter Apostolos) ut alter ab alterius abstineret Apostolatu. *Baron. Annal. tom. 1. an. 51. 27. col. 424.*

Object. If the opinion of [g] *Estius* be interposed, *viz. That Archiepiscopacy was founded, when* Timothy *was made Bishop of Ephesus, the Metropolis of Asia, wherein he had* [h] *many Bishops under his Jurisdiction:* that (to say nothing of what is said of the unbishoping of *Timothy* and *Titus*, in a particular booke of that title) being brought in without proofe, will bee as readily [k] denied by some, as it is easily affirmed by any: and if we should say, that untill Pope *Zepherinus* (in the third Century) named himselfe an [l] Archbishop, or untill the reigne of *Constantine* (as a very learned [m] Writer hath observed) there is no mention of an Archbishop: it will not bee easie (perhaps) for any (by legitimate Testimony) to bring in an instance, to disprove the

[g] *Estius comment. in 1 Tim. 5. 19. col. 809.*

[h] Bish. *Hall* reckons 36. Bishopricks under Ephes. *part. 2. p. 24. 43.* See *Will. Synops. papist. controv. 5. in append. ad quæst. 3. p. 273.*

[k] *Didoclav. Altare Damascen. pag. 175.*

[l] *Cent. 3. c. 10. col. 275.*

[m] Archiepiscopi & Patriarchæ in usum abierunt, quorum ante Constantini tempora altum silentium. *Dan. Chamier. de œcumen. pontif. lib. 10. cap. 6. tom. 2. pag. 353. 20.*

obſervation in the Eaſterne Church; and for the Weſterne, it came later thither, as the Sun-ſetting cometh after the Sun-riſing. And *Filaſacus* a Divine of Paris ſaith, [n] *It is not uſed in theſe parts, untill the firſt Matiſcon Councell,* ſcil. *anno* 587.

n *Filaſac. de ſacr. ep. Anth. cb. 19. ſect. 1. Concil. Matiſc. 1. Can. 4.*

Which may bee to us the more probable, becauſe we have had experience (in our owne time of a [o] principall point of now-Archiepiſcopall Government, the Preſidentſhip of a Provinciall Synod) without an Archbiſhop. So was it in the yeare 1603. when the Biſhop of *London* was Preſident of the Synod then aſſembled: Archbiſh. [p] *Whitgift* (againſt Maſter *Cartwright*) endeavoureth to maintaine, *That the office of an Archbiſhop was in uſe in the Apoſtles time*, and by their [q] appointment in an Apoſtolicall Canon; and that [r] *Titus* was an Archbiſhop over *Crete*; and [ſ] *Dionyſius Areopagita* (the Scholar of S. *Paul*) Archbiſhop of *Athens*. But his proofes (as ſome of us upon examination have found them) are too low, and too flat for the height and compaſſe of the Arch of his Aſſeveration, eſpecially as applyed to the ſtate and authority of Archbiſhops in the Church of England, the prelation particularly, oppoſed by Maſter *Cartwright*, who (conceiving both the authority and title of an Archbiſhop by Scripture to belong peculiarly to Chriſt, and not finding the name [t] *Archbiſhop* there) taketh up the title *Archſhepheard*, 1 *Pet.* 5. 4. as equivalent to it.

o Doct. *Saravia* ſaith, the Aſſemblies of the Presbyterians are no Synods but Conventicles, becauſe he readeth not of any Synod without an Archbiſhop. *Sarav. de Triplic. ep. q. 3. p. 90.*

p Archb. *Whitgift* in his reply to Maſter *Cartwr. p.* 310, 313, 427, 432.

q *Can.* 33. (or 34. as ſome accompt) *p.* 470. *Archb. Whitgi.*

r *Ibid. pag.* 400.

ſ *Pag.* 470.

t The title *Archbiſhop*, is proper to Chriſt, as appeareth by Saint *Peter*, where he calleth him ἀρχιποίμενα, which is an Archſhepheard, or Archbiſhop; for Biſhop and Shepheard are all one. *Ibid. p.* 300.

wee

wee find for that title, is that which [u] Archbishop *Whitgift* citeth out of Master *Fox*, viz. *That in the time of* Eleutherius, *an.* 180. *there were in Britaine* 28. *head Priests, which in the time of Paganisme they called* Flamines; *and three Archpriests among them, which were called* Archiflamines, *as Iudges over the rest: these* 28. Flamines *(upon the conversion of the Britains) were turned to* 28. *Bishops, and the three* Archiflamines *to three Archbishops:* which, if it be true, yet it is far below that which is alledged for the calling of Archbishops; and yet more ancient then honourable, for the conformity to Pagan preheminence.

[u] Archb. *Whitgifts* reply to Mast. *Cartwr.* pag. 323. *ex* M. *Fox Martyrol. tom.* 1. *p.* 146.

Nor will it serve to say (as Pope [x] *Eugenius* the fourth said of the *name Cardinall) that though it were not expresly mentioned in the beginning of the Christian Church, yet the office was instituted by Saint* Peter, *and his successours.* For, not to insist upon the name *Cardinall*, of which the saying of the Pope is an unprobable fiction, superiority among Bishops is to be reduced rather to a secular, then to a sacred Originall. For our Archbishop of *Canterbury* that now is, saith, [y] *It was insinuated, if not ordered, that honours of the Church should follow honours of the State; as appeareth by the Canons of the Councell of* [z] *Chalcedon, and Antioch. It was thought fit therefore* (though as Saint [a] *Cyprian* speaks) *there bee one Episcopacy, the calling of a Bishop bee one and the same; that yet among Bishops there should be a certaine subordination and subjection: the Empire therefore being cast into severall divisions (which they then*

[x] *Eugen. 4. Epist. ad Episcop. Cantuarien.* ait, Cardinalium nomen non fuisse in principio nascentis Eccles. expressum, munus tamen & officium à B. Petro & ejus successoribus evidenter erat institutum. *Fran. Long. annot. in* 2. *Concil. Rom. pag.* 201.

[y] Archb. *Laud* in his relat. of his confer. *pag.* 176.

[z] *Concil. Chalced. Can.* 9. & *Act.* 16.

[a] *Cypr. de simplic. Prælat.* Episcopatus unus est.

called Dioceſſes) *every Dioceſſe contained ſeverall Provinces, every Province ſeverall Biſhops: the chiefe of a Dioceſſe in that large ſenſe was called* ἔξαρχος, *and ſometimes a Patriarch, the chiefe of the Province a Metropolitan, next the Biſhops in their ſeverall Dioceſſes* (as we now uſe the word.) *Among theſe there was effectuall ſubjection grounded upon Canon, and poſitive Law, in their ſeverall Quarters; all the difference there was but Honorary, not Authoritative.* So farre he; where, though he name the title *Biſhop, Patriarch*, and *Metropolitan*, hee doth not mention the title *Archbiſhop*.

b Archb. *Laud* ubi ſupra. *pag.* 168.

And though hee grant, that b *the Church of Rome hath had, and hath yet a more powerfull principality, then any other Church*; yet he ſaith, *ſhee hath not that power from Chriſt. The Romane Patriarch by Eccleſiaſticall conſtitutions* (ſaith hee) *might perhaps have a primacy of order; but for principality of power they were all equall, as the Apoſtles were before them:* and hee might have ſaid ſo much as well of *Biſhops*, as of *Patriarchs*; for, except for Eccleſiaſticall Conſtitutions, and poſitive Lawes, they are not ſubordinate one to another: neither the authority nor title then of *Metropolitan* or *Archbiſhop* is taken to bee ſo ancient, or warrantable by the Word of God, as that of the *Biſhops*, in the judgement of ſuch as are the deareſt friends to Prelaticall dignity. Yet, as *wee deny not, but that an inequality betwixt Biſhops and Presbyters is* (as c *Chamier* confeſſeth) *moſt ancient, and very neere the Apo-*

c Inæqualitatem inter Epiſcopum & Presbyterum eſſe veruſtiſſimam, & vicinam Apoſtolorum temporibus ultrò fatemur. *Fr. Chamier. de œcumen. pontif. l. 10. c. 6. tom. 2. p. 853. col. 2.*

stles times; so wee yeeld it as probable, that Archbishops are very ancient also, and as certaine, that there have been, and are very many, as worthy to be Archbishops, as others to be Bishops: and that there have been of that elevation men of as eminent desert for learning and devotion, both in ancient and later times, as any that have lived in the same Ages with them; but in regard of more doubt of their Authenticke tenure, then of that of Bishops (though that also bee very much doubted of) wee have the lesse heart to sweare to Archiepiscopall preheminence.

Object. If it bee said, that [d] Archbishops were set up for the keeping out of Schisme among Bishops, as Bishops for that end were set over Presbyters, we doe not gainsay it; but say, that our Doubt is not now of the politicke end, but of the originall right of their exaltation: and withall we may note, that this Argument, drawne from the prevention of Schisme, may climbe too high, and indeed it hath done so; for, at the next step, it lifteth up Patriarchs above Archbishops; and at the next after that, a Pope above Patriarchs: and all this upon the same pretence of preventing of Schisme; but the further it hath advanced, the worse it hath succeeded for the welfare of the Church, both in respect of Heresie and Schisme: for *Bellarmine* saith, [e] *All the Patriarchall Churches (except the Romane) for a long time have had Bishops which were manifest Heretickes.*

d Archb. *Whitgift* in his defence of the answ. to the Admon. *p.* 386.

e Omnes Ecclesiæ Patriarchales (præter Romanam) habuerunt per longa tempora manifestos Hæreticos. *Bel. de notis Eccl.* 4. *not.* 5. *c.* 8. *p.* 74.

If his observation be as true for the most (which for a great part we may beleeve, though we dare not take it upon his bare word) as his exception is false for the *Romane Patriarch*: for he is the most Hereticall and

Schismaticall Prelate in the world, wee can have no great confidence in the end [*the keeping out of Schisme*] unlesse the meanes, the raising up of Bishops to that height, be found to bee warranted by the Word of God; yet wee make great difference betwixt the Popes claime of universall and unlimited Supremacy upon this ground, and that of Archbishops and Patriarchs confined within the reach, and under the checke and restraint of a temporall Potentate.

For the other offices of Government named in the Oath, or involved in the *&c.* there is none that pleadeth a *Divine Right*; and we may say of most of them, as [f] Bishop *Downham* doth of some of them, *As for ordinary Vicars* (that is, *Vicars which are Ecclesiasticall Judges in ordinary*) *Chancellours, or Commissaries* (scil. of the Laity) *the Bishops in these times* (i.of Saint *Augustine* and *Ambrose*) *had none, not so much as the Steward of the Church might bee a Lay-man.* They neither did then, nor rightly could they claime a Divine and Apostolicall right for their callings: which wee may the rather say, for the saying of *Anacletus*, who (about the yeare 103. being Bishop of Rome) hath in one of his Epistles written, *That there were but two orders ordained by our Saviour*, viz. *of Bishops and Priests, nor were any more either orders or degrees, either appointed by God, or taught by the Apostles:* whereof though many doubt, in regard of that he affirmeth of the originall of Bishops; yet they will easily assent to his deniall of the rest, and what their right is, either by custome, or humane constitution, we are very doubtfull: and, while we doubt, we dare not sweare.

[f] Bish. *Downh.* in the defence of his consecr. Serm. *l.* 1. *c.* 8. *pag.* 185.

4. Partic.

Their perpetuity not to be changed.

The 17. Doubt.

How farre this perpetuity propounded is to be applyed to the Discipline or Government of the Church. 17. Particular Doubt.

The Reason.

BEcause, as before hath been observed, Discipline and Government seeme (at the beginning of the Oath) to be the same; and in this part of it, wee find no cause to divide them: and then our Doubt is, Why, a great part of the Discipline and Government consisting in Constitutions concerning Ceremonies, and other things of alterable nature (as g Archbish. *Whitgift* acknowledgeth) wee should sweare to a perpetuity: whereby we conceive we shall crosse, at least the intent of the 34. Article (to which the Clergy have subscribed) which saith, *Every particular, or nationall Church hath authority to ordaine, h change, and abolish Ceremonies or Rites of the Church, ordained onely by mans Authority, so that all things bee done to edifying*: and withall, shall much impeach the freedome of future Synods: for they that are forestalled with an Oath against change, cannot bee so free

g The accidentall points of Government (as the manner of electing Ministers, the kind of Discipline, accidentall Ceremonies, and other such like Rites and Circumstances, may bee varied according to time, place, and persons. Archb. *Whitgift* in a Note of dangerous points of the Doctrine of *T. C.* presently after the Preface. *nu.* 19. The like hath Bish. *Hall* in his Apology against the Brownists. *p.* 595, 596.

h The like we have noted before out of the Preface of our Service Booke.

free to change (when juſt occaſion requireth) as they ſhould be.

It is an exception made by the Divines of *Aberdene*, againſt the Oath of the Covenant in *Scotland*, i *That it taketh away all hope of a free Aſſembly or Parliament, to judge of the matter preſently debated: for how can thoſe* (ſay they) *vote freely of any matter propounded to deciſion, and deliberation of the Church and State, who have already ſworne to adhere to one part of the Queſtion.*

i The generall Demands of the Miniſters and Profeſſors of Aberdene. *Deman.* 10. *p.* 26

And our dread Soveraigne in his large Declaration ſheweth, k *That points of Diſcipline, Government, and Policy of the Church (even in Scotland) are declared by Act of Parliament, Act.* 20. 21. *to bee alterable at the will of the Church it ſelfe, and ſo repealable by ſucceeding Acts, if the Church ſhall ſee cauſe.* And our Church to this day doth profeſſe a purpoſe and deſire of alteration of Diſcipline; for, in the beginning of the Commination in our Service Booke, theſe are her words: *Brethren, in the Primitive Church, there was a godly Diſcipline, that at the beginning of Lent, ſuch perſons as were notorious ſinners, were put to open penance, &c. Inſtead whereof, untill the ſaid Diſcipline may be reſtored again (which thing is much to be wiſhed) it is thought good, &c.* the ſame deſire appeareth in the Synod at l Challons, decreeing an intreaty to bee preſented to the Emperour, *That the ancient Diſcipline may bee reſtored againe; and that they who ſin publickly, may bee brought to publick repentance, and every man (according as he deſerveth) may either bee excommunicated, or reconciled.*

k The Kings Declar. concerning the Tumults in Scotl. *p.* 330.

l The Councell of Challons held *an.* 813. *Can.* 25. *Sympſ.* of the Church. *p.* 560, 561.

And for Excommunication (in particular) which

is

is a chiefe point of Discipline or Government (of which [m] King *James* propounded an alteration both for the name and thing, &c. we conceive it not onely alterable from that which is now, but (being more frequently inflicted for *non-appearance*, then for the foulenesse of the offence, when it doth appeare) meet to be altered and reformed, according to the [n] Constitutions and Orders published by King *Henry* the eighth, and King *Edward* the sixth; and in the last Synod the case is much altered with Bishops in their Government: for, whereas formerly they were free to propound what Articles they thought good in their visitations, [o] *Now (to prevent just aggrievances, which may bee laid upon Church-wardens, and other Sworn-men, by impertinent, inconvenient, or illegall inquiries) this last Synod hath caused a summary, or collection of Visitatory Articles (out of the Rubricke of the Service Booke, and the Canons, and warrantable Rules of the Church) to be made: which Bishops, and other Ordinaries, are to follow in their Visitations, and none other.* And in divers particulars the Authority of Chancellours is [p] altered, as may appeare by the 11, 13, 14, 15, 17. Canons of the late Synod. And why another Synod may not (if there bee cause) make other alterations, we know not, and we beleeve they may; and that there may be need they should doe so: and therefore that we may not take an Oath that wee will not consent to alter that, which is of an alterable nature.

m 1. Whether the name might not be altered: 2. Whether in place of it another coercion might not be invented. *Confer. at Hamp. Court. pag.* 19.

n See *Reform. leg. Eccles. à fol.* 80. *ad* 90. See also the form. of the sent. of Excomm. in certaine Canons of the Synod. 1571. *p.* 29. 30.

o *Can.* 9.

p See the *Confer. at Hampt. Court*, how their authority is altered by restraint. *pag.* 77, 78. particularly for Excommunication.

Object. If it be said, that Government is here taken as distinguished from Discipline; and that Discipline may bee altered, while the Government is not: wee say,

Answ. 1. That we find no ground in the Oath for that distinction; and wee have shewed before, that in the former part, they signifie (as *Synonyma*) the same things.

Secondly, if wee take the Government for that of the Bishops preheminence over the Presbyters, though Bishop *Hall* averre with a confidence belonging to the Creed, [q] *That the Government by Bishops is both universall and unalterable: and so was* [r] *intended by the Apostles in their ordinance of them; and therefore is* [s] *utterly indispensable, and must so continue to the worlds end:* yet some, who have been more exercised in the controversie of Episcopall Authority then hee (if we may make our comparison by what is published in print) and who thinke so well of that Prelation, as to hold it as of Apostolicall Institution, confesse, [t] *That the Government by Bishops is not generally, perpetually, and immutably necessary:* and it may be that which the Archbishop of Canterbury that now is, hath said of Government in generall, may have an application to this point in particular (though hee meant it not so) [u] *This* (saith hee) *I shall be bold to say, and your Majesty may consider of it in your wisedome, that one way of Government is not alwayes fit, or safe, when the humours of the people are in a continuall change.*

q Bish. *Hall* of Episcopacy. *part.* 1. *sect.* 2. *pag.* 129.

r *Ibid. p.* 132, 133.

s *Ibid. p.* 135.

t Bish. *Downh.* answ. to the Preface of the Refuter of his Serm. *p.* 9.

u Archb. *Laud* in his Epist. Dedic. before his Starre-chamb. Speech.

Thirdly, there is an alteration in Government, when they that govern have lesse Authority then they have

have had, as by the laſt Canons wee have obſerved, both of Biſhops and Chancellours.

Fourthly, there may be yet a further alteration for the better, without digreſſion from the old way to Novelty, or from the high way (the right road way of ſuch as are truly religious) to Schiſme; which (if the reverend Fathers will give us leave) wee will undertake to ſhew by ſuch evidence, as in this caſe is of greateſt weight.

Wee dare not then take an Oath againſt alteration, leſt therewith wee ſhould forſweare a meet Reformation of the Church; which any Church may need, that hath leſſe aſſiſtance of the Spirit then the Prophets of the Old Teſtament, and the Apoſtles of the New; and of all of them we muſt hold, as the [x] Archbiſhop hath very well ſaid in his anſwer to the Jeſuit, *Such an aſſiſtance of Chriſt and the holy Spirit, the Prophets under the Old Teſtament had, and the Apoſtles under the New; as neither the high Prieſt with his Clergie in the Old, nor any company of Prelates or Prieſts in the New (ſince the Apoſtles) ever had.*

x The L. Archbiſh. that now is, in his Anſw. to *A. C.* pag. 91.

5. Partic.

That though there ſhould be an alteration, we ſhould never give our conſent unto it.

The words of the Oath.

Nor will I ever give my conſent, &c.

Of theſe words we have a double Doubt.

The one DOUBT is,

18. Particular Doubt. *Why we ſhould ſweare againſt conſent, to alter the Government of the Church.*

THE REASON.

BEcauſe ſo the Government ſeemeth to be preferred before the Doctrine: for, for the Doctrine we muſt ſweare onely, that wee will not bring in, or bee the Inventers or Leaders in the promoting of Popiſh Doctrine; but for the Government, wee muſt ſweare, that we will not conſent, though but as followers, for what others bring in: Now, as it is a leſſe offence to be a Follower, then a Captaine in whatſoever is evill; ſo it ſeemeth to ſhew a greater care of preſervation of the Government of the Church by Archbiſhops, &c. then of the Doctrine of Religion; by requiring as ſtrict an Oath, not to bee ſecond in the change of the one, as not to be firſt in corrupting the other.

The

The other DOUBT is,

Whether, if we should thus sweare, we should not be entangled with contradiction to our Governours, and to our selves. 19. Particular Doubt.

THE REASON.

BEcause, first, for our Governours, we are bound in duty to yeeld our consents to their lawfull Constitutions, though with some alteration of Government, which we can have no heart to doe, if we have sworne to the contrary.

Hereto some except and say, If they alter, we may alter with them; but this we conceive to be too much fickleneſſe and levity, and likêr to the Gipsie play of fast and loose, then to the grave and solid Asseveration, which belongeth to an Oath; which is neither lightly to be taken, nor to bee slighted, when it is taken: for, so it would give none assurance to those that tender it, who meant (as wee see in the Preface of the Oath) to give security by Oath for constancy to the Doctrine and Discipline established against Innovation: but there would be little assurance of that, if their meaning were this, That they that sweare should not change, till their superiours had changed before them.

Besides, the chiefest of them hold the Discipline and Government by Bishops immutable; and therefore some of them have said, they would rather dye, then yeeld to an alteration of Episcopall Government: but wee beleeve it would bee more easie for a Logician to convince them, that Episcopacy is not of

Divine Right (but of an alterable nature) then for a Rhetorician to perſwade them to change life for death, this world for the next, rather then to conſent to an alteration of that Government.

There be that tell us (and wee muſt not take their ſaying for a [y] Papall diſpenſation, [z] which opens ſo wide a window, that it is in vaine to ſhut the doore) of many caſes of conſcience, wherein though we have ſworne, we may be diſcharged of our Oaths; and ſhew us a poſterne gate for an out-let of perjury: but wee cannot come to that gate, but by the wicket of inconſiderate ſwearing; and if wee apprehend any probable occaſions of change beforehand, wee muſt not make [a] *Median* or *Perſian* Proteſtations, that we will not change.

y *Clement* the ſeventh, immediatly upon his oath given to *Charles* the fifth, for performance of the Articles (accorded at his delivery) diſpenſed with his oath; and by probable conjecture had promiſed to diſpenſe with him before-hand. So Sir *Edw. Sands* in his relat. *p.* 42.

z Maſt. *Fuller* in the *Holy Warre. l.* 2. *c.* 37. *pag.* 93.

a Let it be written among the Lawes of the Perſians and of the Medes, that it be not altered. *Eſth. c.* 1. *v.* 19.

Object. But we have in effect done as much already (ſay ſome) in ſubſcribing to the Booke of Common Prayer, wherein wee promiſe to uſe the forme in the ſaid Booke preſcribed, and none other, *Can.* 36.

Anſw. 1. To which wee may anſwer many waies: as,

Firſt, that it is not put upon us, as of Divine Right; and being but humane, it is implyed to bee changeable.

Secondly, the fore-cited Preface concerning the Ceremonies, and the 34. Article profeſſe a mutable condition in ſuch Inſtitutions.

Thirdly, experience hath divers times explained that clauſe: for, other formes of prayer have been impoſed upon eſpeciall occaſions.

Fourthly,

Fourthly, to leave us at more liberty, if there should be a change, our word is taken without an Oath; for which [b] Master *Rogers* commendeth the moderation of our Governours.

[b] In his Preface of the Articles of Religion.

Object. But in refusing of the Oath now, for feare of future disobedience, wee disobey for the present. To which we say:

Answ. 1. That our not swearing is no present disobedience; because our consciences cannot consent to swea re; and they that require the Oath would not have us to sweare against our consciences, nor against our good wills: for, one condition expressed in it is, *That we doe it heartily, and willingly:* nor do we conceive, that, the premises duely considered, they would have us to sweare.

Secondly, our not swearing in this case, is rather an obedience to our Superiours; because we have already sworne to their Authority and Power for such alterations, both for the present, and for their heires and successours: and so our promissory Oath in this case (if we should take it) would be with certaine prejudice to another mans right; *and consequently could not bee attended with justice: and the prejudice would bee more unjust, because done to the right of publicke and soveraigne Authority*, as [c] Bishop *Hall* observeth in his *Irrefragable propositions.*

[c] Bish. *Halls Irrefrag. propos. prop. p.* 3.4.

And thirdly, for our selves, we doubt it is not safe to sweare that wee will not consent to any alteration in Government; since wee cannot but like it well enough, if in some particulars it were more conformable to the condition of the ancient Church: as if it should please his sacred Majesty, in the election of Bishops,

Bishops, to have respect to the suffrage of the Clergie of the vacant Dioceſſe, as the [d] Emperour *Charles* the Great had, when hee publiſhed a Decree to that purpoſe, according to the [e] ancient practice of the Church.

And if, when Biſhops are elected, that either love, or ſome law of Authority might reſtore Presbyters to their ancient Rights, and participation of the Government of the Church, which they had in the Primitive times: whereof St. [f] *Hierome* ſaith, *That the Church was governed by the common Councell of the Presbyters:* which [g] *Baronius* acknowledgeth, and [h] Biſhop *Downham* ſaith, no man denieth; and this, not only until there was a Schiſm, and the people divided themſelves, under the names of *Paul*, *Apollo*, and *Cephas*; but afterwards, as is plaine by ſeverall teſtimonies of Saint *Cyprian* (beſides others) for hee (writing to the Prieſts and Deacons) calleth them Brethren, and telleth them, *That it is his* [i] *deſire, for thoſe things that concerne the government of the Church, that (as the publicke benefit requireth) they treat of them with common Counſell:* and in their abſence he [k] profeſſeth, *That he did nothing, but what was concluded before by their common advice: and* [l] *that it was his reſolution from the firſt time of his being Bi-*

d Sacrorum Canonum non ignari, ut in Dei nomine ſancta Eccleſia ſuo liberiùs potiretur honore. *Baron. Annal. tom. 9. nu. 21. col. 641.*

e *Cypr. ep. Anton. epiſt. 52. pag. 57. col. 2. Concil. Aurelian. 5. Can. 10. Concil. Pariſienſ. 1. Can. 6.* Hicron. teſtatur Alexandrinos Presbyteros ſpatio 140. annorum ſibi ex ſuo numero unum eligiſſe, &c. *Chamier. tom. 2. lib. 10. ca 3. p. 350. nu. 3. Leo epiſt. 82.*

Spalat. de Republ. Eccleſ. lib. 3. c. 3. pag. 339, 340, 400. Bernard. de conſiderat. ad Eugen lib. 3. cap. 2. col. 878. Fox Martyrol. tom. 1. p. 5. col. 2. Concil. Baſil. ſeſſ. 3. fol. 448.

f Communi Presbyterorum conſilio Eccleſiæ regebantur. *Hieron. in Tit. 1. 5. tom. 9. fol 153.*

g Presbyteri & Seniores pariter ad concilium admiſſi erant tempore primævo. *Baron. Annal. ad an. 58. nu. 10, 11. tom. 1. col. 572.*

h Biſh. *Downhams* defence of his conſecrat. Serm. *l. 1. c. 7. p. 142, 143. & c. 8. pag. 178.*

i Ut quæ circa Eccleſiæ gubernacula utilitas communis expoſcit tractare ſimul, &c. *Cypr. ep. 6. edit. Pamel. p. 12*

k Nihil à me abſentibus vobis novum factum eſt, ied quod jampridem communi conſilio, &c. *Cypr. ep. 24. Presbyt. & Diac.*

l A primordio Epiſcopatus mei ſtatui nihil ſine conſilio veſtro—privata ſententia gerere. *Cyp. ep. 6. p. 13.*

ſhop,

ſhop, to doe nothing of his owne private conceit, but by their counſell.

Biſhop *Downham* bringing in a ſentence of *Ambroſe* ſounding to the ſame ſenſe, maketh this anſwer unto it, [m] *Ambroſe, and others thought it needfull, that a Presbytery of grave and ancient Miniſters, ſhould with their counſell, adviſe and aſſiſt the Biſhops in caſes of doubt* (as Doctor *Bilſon* ſaith) *in caſes of danger and importance; when as yet neither Synod could aſſemble, nor Chriſtian Magiſtrate was found to aſſiſt the Church.*

m Biſh. *Downhams* def. of his Serm. *l.* 1. *cap.* 7. *p.* 161.

But when Synods were aſſembled, then Presbyters were aſſembled with the Biſhops; and, as Presbyters had deciſive voices with them, as [n] Doctor *Field* confeſſeth: obſerving withall, concerning the number of Biſhops, and thoſe that were not Biſhops in ſuch Eccleſiaſticall Aſſemblies, that in a [o] Councell of Lateran, there were preſent 482. Biſhops, and 800. Abbots, *who* (ſaith he) *have leſſe to doe then Presbyters in the government of the Church.*

n Doct. *Field* of the Church. *l.* 1. *c.* 30. *p.* 514

o *Ibid. cap.* 49. *pag.* 647.

Wherein he implyeth, that there ſhould be many more then two Convocation Clerkes in a Dioceſſe, to adviſe and vote at a Synod: And in our Dioceſan Synods, which are yearly called (according to the ancient [p] Canon and Cuſtome) wee are all ſummoned to appeare in the Conſiſtory, as in the name of a Synod. But when we come thither, we have ſo little power and liberty allowed us, either for diſcuſſion or determination of any matter (wherein Presbyters, both in right and fact, have had a freedome heretofore) that moſt of us appeare rather as Delinquents, ſtanding at the Conſiſtoriall Barre, or (at the beſt) as

p *Concil. Agathen. an.* 440. *Can.* 40. *ſo.* 165. *Cavanæ.*

Clients, or Tenents paying a tribute of ſuit and ſervice at the Courts of their Landlord. So that we may take up the complaint of *Duarenus* the famous Civilian, [q] *Of old Synods were called, that the Biſhops and Presbyters ſhould treat of the Diſcipline of the Clergie, of Eccleſiaſticall cauſes, and of divine Doctrine: for there was no matter of any great weight, which the Biſhops without that Senate would determine: but now* (ſaith hee) *wee can ſcarce diſcerne ſo much as a ſhadow of that moſt honeſt inſtitution.*

q Olim hi conventus indicebantur, ut Epiſcopus ſimul cum Preſbyteris de diſciplina cleri, de cauſis, &c. ſed hujus honeſtiſſimi inſtituti vix umbram hodie videmus. *Fr. Duaren. de Min. l. 1. c. 11. fol. 13.*

In the fourth Councell of Carthage, about the yeare 401. (beſides many other Conſtitutions in the behalfe and in honour of Presbyters) it was decreed, [r] *That a Biſhop ſhould not determine any mans cauſe, but in preſence of his Clergie:* [ſ] *That the Biſhop, though in the Church, and in the Aſſemblies of the Presbyters, hee ſhould ſit in an higher place; yet privately ſhould uſe his Presbyters as Colleagues: and ſitting himſelfe, ſhould not ſuffer a Presbyter to ſtand.*

r *Concil. Carth. 4. Can. 23. pag. 313. edit. Fr. Longi.*

ſ *Ibid. Can. 34. pag. 316.*

And as Presbyters were not to be diſdained by the Biſhops, but to be taken into a reſpective ſociety with them (for the [t] name of a Biſhop was anciently *rather a name of labour, then of honour; rather of duty, then of dignity;*) ſo were they ſo much to be honoured by the Deacons below them (as [u] ſubordinate to them as well as to the Biſhops) [x] *That a Deacon might not ſit*

t Qui Epiſcopatum deſiderat, bonum opus deſiderat: exponere voluit quid ſit Epiſcopus, quia nomen eſt operis, non honoris —— intelligat ſe non eſſe Epiſcopum, qui præeſſe deſiderat, non prodeſſe. *Aug. de civ. Dei, l. 19. c. 19. tom. 5. p. 1310.*

u Diaconus ita ſe Presbyteri, ut Epiſcopi miniſtrum eſſe cognoſcat. *Concil. Carthag. 4. Can. 17.*

x Nec ſedere quidem licet medio Presbyterorum Diaconos. *Concil. Niceen. 1. Can. 14. fol. 50.* Ne Diaconus coram Presbytero ſedeat. *Concil. Aralat. Can. 15. Tit. Can. fol. 70. Concil. Conſtantinop. 6. Can. 7.* Diaconus quolibet loco jubente Presbytero ſedeat. *Concil. Carth. 4. Can. 39.*

among

among thoſe that were Presbyters, as was decreed in the firſt Councell of Nice: And ſo it was obſerved at Rome (as[y] *Hierome* hath noted) *untill vice increaſed*; *And then* (ſaith he) *in the abſence of the Biſhop, I have ſeene Deacons to ſit in the preſence of Presbyters.*

y In Eccleſia Romæ Presbyteri ſedent, & ſtant Diaconi, licet paulatim increbeſcentibus vitiis, abſente Epiſcopo ſedere Diaconos viderim. *Hieron. epi. ad Evagr. Hieron. tom. 2. pag. 334.*

And though in later times one Biſhop hath had power enough to undoe many Presbyters for ſmall matters; yet heretofore, in a criminall cauſe,[z] *A Presbyter could not bee condemned by fewer then ſix Biſhops. A Biſhop indeed, as an elder brother, had a double portion to cenſure him; (for twelve were requiſite for a doome againſt a Biſhop: and the Deacon (as a younger brother to a Presbyter) had but halfe ſo many to give judgement of him as the Presbyter had.*

z Cauſa criminalis Epiſcopi à duodecim Epiſcopis audiatur, cauſa Presbyteri à ſex, cauſa verò Diaconi à tribus, cum proprio Epiſcopo. *Concil. Carth. 2. Can. 10. fol. 111. a.*

Now, if with ſecurity of the publicke peace, and the favour of our Superiours, there ſhould bee any alteration in the Eccleſiaſticall Government; wherein we might be aſſured to be dealt withall, if not as Brethren (as[a] ſome of the Epiſcopall order have profeſſed, and pleaded on our behalfe) yet rather as ſonnes to reverend Fathers, then as ſervants to imperious Lords, we dare not be ſuch hypocrites, as to forſwear a conſent to that which wee conceive to bee our right, and cannot but be willing to enjoy.

a Nos omnes Epiſcopi meminiſſe debemus Presbyteros omnes eſſe noſtros fratres collegas in Miniſterio, non famulos, non mancipia; eoſque jure divino non minorem habere in paſcendo populo Dei poteſtatem quam nos habemus. *Spalat. de Repub. Eccleſ. 2. c. 9. pag. 284.*

THE OATH.

—Nor yet ever to ſubject it to the uſurpations and ſuperſtitions of the See of Rome.

The 20. DOUBT is,

20. Particular Doubt. *Why in this part of the Oath mention is made rather of the* See of Rome, *then of the* Church of Rome.

THE REASON.

BEcauſe, though an ordinary Reader obſerve no materiall difference betwixt them, yet wee are taught by a * judicious Lawyer, that *there is as much difference betwixt the See of Rome, and the Church of Rome, as betwixt treaſon and treſpaſſe:* and he proveth his poſition by the 23. of *Eliſ. cap.* 1. where it is ſaid, *That to be reconciled to the See of Rome is treaſon; but to be reconciled to the Church of Rome is not treaſon:* For then (ſaith he) every Papiſt of the Church of Rome ſhould be a Traitour (being a member of that Church, and therefore reconciled to it.) Now the *See of Rome* (ſaith he) *is nothing elſe but the Papacy, or Supremacy of the Pope, whereby, by vertue of the Canon* [unam Sanctam] *made by Pope* Boniface *the eighth, he challengeth a ſuperiority of Juriſdiction and coercion over all Kings and Princes upon earth; and thoſe perſons which take* Juramentum fidei *contained in the Councell of Trent, (which acknowledgeth this Supremacy) are ſaid to be reconciled to the See of Rome.*

* Mr. *E. B.* of the M. T.

But

But the Church of Rome is nothing elſe but a number of men within the Popes Dominions, or elſewhere, profeſſing the Religion of Popery. So the meaning of the Oath in this clauſe of it, as hee conceiveth, may bee this, *You muſt not ſubject the Church of England to the See of Rome; but you may ſubject it to the Church of Rome.*

That there might be ſome ſuch ſubtle meaning in the choice of that phraſe, *I have ſome reaſon* (ſaith he) *to imagine, ſince I find in their late Bookes, that they ſay the Church of Rome is a true Church, and ſalvation to be had in it.*

Becauſe this Doubt hath Law for its ground (the knowledge whereof properly belongeth to another profeſſion) we would not take upon us to deliver it in our own names, but in the name of that learned Lawyer, to whom we are beholding for the diſtinction of thoſe termes; and if they ſhould not bee rightly applyed to the words of the Canon, or to the meaning of thoſe that made it (wherein hee ingageth himſelfe no further, then probable conjecture; and ſo farre reacheth the reaſon hee alledgeth for it) yet that may be unto us a further occaſion of doubt; and the more we doubt, the leſſe warrant we have for the taking of the Oath.

THE OATH.

And all theſe things I doe plainly and ſincerely acknowledge, and ſweare, according to the plaine and common ſenſe of theſe words, without any equivocation, or mentall evaſion, or ſecret reſervation whatſoever.

The 21. DOUBT.

21. Particular Doubt. *How wee can ſweare to a plaine and common ſenſe and underſtanding of the Oath.*

THE REASON.

BEcauſe we doe not find the words plain, but very ambiguous, as is already evident by the precedent Doubts: nor do we know, what ſenſe or underſtanding of them we can call common; ſince the Oath is new, and is in many particulars ſo variouſly expounded, that yet it is not apparent to us, what conſtruction beareth away the plurality of voices. The Oath then muſt be well expounded before it can bee taken, elſe equivocation will hardly be avoided.

THE

THE OATH.

And this I doe heartily, willingly, and truly, &c.

The 22. DOUBT.

What willingneſſe is required in the taking of this Oath. 22. Particular Doubt.

THE REASON.

BEcauſe the words [*heartily, and willingly*] in conformity to the forme of ſubſcription, ſet downe in the 36. Canon, import a plenary conſent, without any grudging or reluctancy of the heart, or will: as, when a man hath a mind to take it, with a freedome to refuſe it; according to the ſaying of *Seneca*, b *If you would know whether I be willing or no, leave mee at liberty to be unwilling*: but wee conceive it cannot be ſo in this caſe, at leaſt with many of the Miniſtry, who would by no meanes take it, but for feare of the penalty annexed to the not taking of it: and ſo their willingneſſe is no more then ſuch as this, *I am willing to take the Oath, becauſe I am unwilling to be deprived of my Miniſtry and Meanes; and ſo to bee undone for refuſall of it*: As a man caſts his goods into the Sea in a Tempeſt, leſt himſelfe and they ſhould periſh together.

b Si vis ſcire an velim, effice ut poſſim nolle. *Senec. de Benefic. l. 2. c. 18. pag. 281.*

And then, whether ſhould we not rather be abſolved from ſuch a c timerous Oath, according to the Canon Law (if wee had taken it) then preſſed to take it, when having no heart or good will unto it, we cannot ſay

c Juramento meticuloſo ſit abſolutio per Judicem Eccleſiaſticum. *Decret. l. 2. c. 2. fol. 157. pag. 2. col. 2.*

ſay we ſweare *heartily and willingly* in any other ſenſe then hath been ſaid, without hypocriſie: and conſequently, not without perjury alſo.

Thus much of the firſt part propoſed, which concerneth the Oath it ſelfe; the ſecond part is of the Interpretation of the Oath.

2. Part.

2. Part. *Of the Interpretation of the Oath.*

The 23. Doubt.

23. Particular Doubt. *How the Doubts of the Oath may be reſolved and cleared.*

The Reason.

BEcauſe in this caſe it will not ſatisfie to ſay, as the Caſuiſts on both ſides (wee meane Proteſtant and Popiſh) reſolve, *That the words of an Oath muſt be taken* (as this Oath conformable to the Oath of[e] Allegiance hath it) [f] *according to the plain and common ſenſe, and underſtanding; for what that is, is not yet diſcovered:* And wee beleeve the Divines of *Aberdene* ſaid well, [g] *That the words of an Oath ſhould be cleare and plaine; and if they be any way ambiguous, the true ſenſe of them ſhould bee ſo declared and manifeſted, that all may know it.*

As to ſatisfie the Doubt, which many made concerning

e In Maſt. *Dalton* his *Country Juſt. pag.* 16. *edit.* 3.

f Eo ſenſu accipienda ſunt verba Juramenti, quo audientes accepturos judicamus, & quem habent in communi omnium uſu, quia verborum ſignificatio pendet ex hominum uſu. *Ameſius de conſc. lib.* 4. *c.* 22 *pag.* 153.
Azor. inſtit. vol. 1. *l.* 11. *c.* 8. *col.* 742

g The Miniſt. and Profeſſours of Aberdene in their generall Demands *pag.* 14.

cerning the signe of the Crosse in Baptisme: Or (as [h] Bishop *Morton* more warily writeth) the Crosse after Baptisme was a particular [i] Canon set forth for declaration *thereof, and for removall of all such scruples as might any way trouble the consciences of them, who are indeed rightly religious.*

h Bish. *Morton* in his book of Cerem.

i *Can.* 30.

[k] Some thinke it sufficient, according to the dictate of charity, to take the words of the Oath in the most favourable sense, which is expounded by some, as having reference to those who impose it, of whose intention we are bound to make the fairest, and most favourable construction.

k In dubiis benigniora sunt præferenda regul. Juris 55. addit libro cui tit. est *Reform. leg. Eccles.* printed *an.* 1571.

Some take the favour to themselves, and make such a sense of them, as may most conduce to their owne Interests, whether for advantage, or for avoidance of damage or danger: and so cometh in the Collusion of the Jesuits by equivocation, or mentall reservation, to save themselves from being discovered in their dangerous designes.

This is somewhat like that, which some say of Manna, *that it was that to every mans taste, wherewith it was most delighted.* So that shall be the meaning of the Oath, which best pleaseth any that is to take it.

Azorius, a famous Casuist of the Ignatian order, determineth, [l] *That in a Judiciall Court an Oath must be taken according to the common sense of the words*: [m] *but in the Court of conscience all men hold* (saith hee) *that it must bee understood according to the mind of him that sweareth*: *as if Justice and Conscience held contrary Tribunalls in the soule, as Justice and Equity in*

l In foro Judiciali semper est jurandum secundùm communem sensum quem reddunt verba ipsa, & communem hominum usum. *Azor. Instit. vol.* 1. *l.* 11. *c.* 8. *col.* 742.

m Ex communi hominum sententia juramentum in foro conscientiæ semper accipiendum est juxta jurantis mentem. *Ibid.*

the state; and the same Oath might be right in the one, and wrong in the other.

An absurdity like that, which our dread Soveraign derideth in his large Declaration, *viz.* [n] *That the same confession of faith, consisting of the same words and syllables sworne without Authority, if it shall be commanded by Authority, becommeth a new and different confession of the faith.*

[n] The Kings large Declaration of the Tumults in Scotl. *p.* 176.

There is a third opinion (concerning the sense of an Oath) to augment the doubt, though so much lesse doubtfull, as it bringeth with it the better Authority; and the Authority for it is no lesse then Royall, the sentence of a great and gracious King (and, which is more to us, our King) who resolveth, [o] *That an Oath must be either taken, or refused, according to the knowne intention of him that doth minister it,* [p] *especially, if it be a new Oath.*

[o] *Ibid. p.* 177.

[p] *Ibid. p.* 347.

To the same sense, though in different words, say the [q] *Aberdene* Divines: *An Oath is to be given according to the mind and judgement of him that requireth it:* which words [*ministreth and requireth*] make up the meaning to bee, *That hee that ministreth an Oath* (who may bee some subordinate Officer) *must give it in that sense, which he that requireth* (that is, hee from whose Authority and Power it proceedeth) doth intend.

[q] The Minist. and Professors of Aberdene in their generall Demands *p.* 14

That construction wee are taught to make, by the explanation of the Oath in Scotland, published by the right Honourable the L. Marquesse Hamiltoun his Majesties high Commissioner there, in these words: [r] *Oaths must be taken, according to the mind, intention, and commandement of that Authority which exacteth the*

[r] The explanation of the Oath in Scotl. in his Majesties large Declar. *pag.* 328.

the Oath: For (as wee conceive) it reſts not in the power of an inferiour (whether hee bee the taker or miniſter of the Oath) to put his private conceipt for the ſenſe (which is the ſoule) of a publicke conſtitution: and if hee doe ſo, wee cannot but doubt of it (though it ſeeme never ſo plauſible) unleſſe it bee allowed by the Authority, which chargeth the Oath upon the conſcience: For,

First, as [f] Biſhop *Hall* well ſaith, *The Church* (which makes the Canon, and by the Canon decrees the Oath) *as it is a collective body, ſo it hath a tongue of her owne, ſpeaking by the common voice of her Synods, Confeſſions, Articles, Conſtitutions, Catechiſmes, Liturgies:* a tongue not onely to ſpeake the text of her determination; but to make a Comment (if need be) to cleare it: *and, if any ſingle perſon ſhall take upon him to bee the mouth of the Church, his inſolency is juſtly cenſureable:* So he.

[f] Biſh. *Hall* in his booke of *Chriſtian moderation. lib. 2. ſect. 10. p. 109.*

Secondly, Oaths are impoſed for matter of caution and ſecurity to thoſe that impoſe them, that they may relye upon them without doubt or diſtruſt: and how can that be, when we take them in another ſenſe then they that require them doe meane, or will admit of. *The old rule* (which is a maxime) ſaith, [t] *He offends againſt the law, who cleaving to the words of the law, leaveth the will of the law, that is, of the Law-maker*: For, the law it ſelfe is a dead letter, and hath no will at all.

[t] Is committit in legem, qui legis verba complectens, contra legis nititur voluntatem. *Regul. Juris 88.*

There are ſome of our Brethren, who (in good will to themſelves and us) have undertaken to expound the Oath ſo as that they and we, without ſcruple, may take it: and we take kindly their good intention, and, in good will to them againe, requeſt them to conſider,

That a private interpretation of a publicke act can give no ſatisfaction, unleſſe it be either expreſly, or vertually allowed by the higheſt Authority that doth impoſe it; and then it is made publicke: but why they ſhould expect ſuch an approbation of their private opinions, we cannot imagine; and if that would ſerve the turne, we could find in our hearts (and it may bee in our heads too) to make as mollifying a gloſſe on the Oath, as they have done: and ſuch a one, as might be more ſatisfactory to our conſciences, then theirs can be.

But the Authority of interpretation of any doubt (in ſuch a publicke act) belongeth properly not to private, but to publicke perſons, eſpecially, if they bee Authorized by the Synod for ſuch a purpoſe: as in the late Synod wee ſee, [u] where the Doubts concerning the benevolence of the Clergy granted to his Majeſty, are ordered, to bee determined by the *Archbiſhop of Yorke, the Biſhop of Durham, the Biſhop of Cheſter, and the Biſhop of Carlile, or by two of them at the leaſt, whereof the Archbiſhop is to bee one:* and in other Doubts (whereof there is no certaine rule of Reſolution ſet) it is probable, the deciſion ſhould bee given by the ſentence of the ſame, or ſuch like Judges.

u Quòd ſi in poſterum aliqua dubia, ambiguitates, &c. oriantur in eo caſu, omnium hujuſmodi dubiorum, ambiguitatum, difficultatum, &c. interpretationes & declarationes fient per reverendiſſimum in Chriſto patrem Archiepiſcopum Eboracenſem, Dominos Epiſcopos Dunelmenſem, Cæſtrienſem, & Carliolenſem, aut duos eorundem, quorum idem reverendiſſimus pater ſit unus. So in the Grant of the benevolence or contribution by the Clergie. *pag.* 25.

For private men, though learned, if they take upon them the Interpretation of publicke Dictats, may be more like to light on mutuall contradictions of each other, then on the true and proper conſtruction of the

Text

Text they interpret. So did [x] *Vega* and *Soto*, [y] *Soto* and *Catherinus*, who wrote againſt each other contrary Comments upon the Councell of Trent. In which reſpect it was a wiſe advice given to the Pope by the [z] Biſhop of *Beſtice*, viz. *To appoint a Congregation for the expounding of the Councell; and well followed by him, when he forbade all ſorts of perſons, Clerkes, or Laicks (being private men) to make any Commentaries, Gloſſes, Annotations, or any Interpretation whatſoever upon the Decrees of that Councell.*

[x] Hiſt. of the Councell of Trent. *lib.* 2. *pag.* 216.

[y] *Ibid. p.* 229.

[z] *Ibid. l.* 8. *p.* 817.

Doctor *Burges* indeed made an Interpretation of his owne ſubſcription; but there had been no validity in it (as we conceive) unleſſe it had been allowed by the ſuperiour powers; and ſo it was: for (as hee ſaith) [a] *It was accepted by King* James, *and the Archbiſhop of Canterbury affirmed it to bee the true ſenſe and meaning of the Church of England.*

[a] Doct. *Burges* in his Anſw. to a much applauded Pamphlet Prefat *p.* 26.

And if wee ſhould take the Oath, and a Notary publicke record it, unleſſe our expoſition of it were publickly and lawfully (for favourably is not ſufficient) both allowed and recorded alſo, wee may haply bee charged with the crime of perjury: and unable fairly and effectually to free our ſelves from that charge, unleſſe by Authority wee were permitted to conclude our Oath with the ancient clauſe of limitation, *viz.* [b] *ſo farre as agreeth with the ſacred Scripture, with the Civill and Eccleſiaſticall Lawes of this Kingdome, and as farre as our abilities will afford.*

[b] Hæc omnibus partibus ſervabo, quibus cum ſacra Scriptura, cum Legibus Civilibus & Eccleſiaſticis hujus regni conſentiunt; & quantum vires meæ patientur. *Reſorm. leg. Eccleſ. de Jure, cap.* 11. *fol.* 105. a.

The third Part.

3. Part.

Of the Persons that must take the Oath.

They are Archbishops and Bishops, and all other Priests and Deacons in places exempt, or not exempt: So in the Prefatory Speech before the Oath, and in the direction that followeth it, it is imposed *on all that are Beneficed, or dignified in the Church, all Masters of Arts (the sons of Noblemen onely excepted) all Batchlours, and Doctors in Divinity, Law, or Physicke, on all that are licensed to practise physicke, on all Registers, Actuaries, and Proctors, all Schoolemasters, all such as being Natives, or naturalized, come to be incorporated into the Universities here, having taken degree in any forraine University, on all that take holy Orders at the time of their Ordination, and all that receive collation, institution, or licence to preach or serve any cure; that is, briefly, on all who by Ecclesiasticall or Academicall subordination to the Synod, or to the chiefe persons assembled, are most subject to imposition, and penalty, which answereth the Doubt of some,* demanding why Judges are not to bee sworne as well as the Bishops, and why not Students of the Innes of Court as well as Students of the University. The reason may be, because they are not in such a degree of subordination to Bishops, or others, who are members of the Convocation or Synod, as those who are particularly rehearsed in the Canon.

The

The 24. Doubt.

Why the sonnes of Noblemen are excepted, and priviledged from taking this Oath, when they take the degree of Masters of Arts. 24. Particular Doubt.

The Reason.

BEfore we render it, we professe that we take this Doubt to be of a different kind from those which hitherto wee have proposed, since it is without the compasse both of the words and explication of the Oath, from whence all our scruples of conscience hitherto have been derived.

Yet because we have heard this *Quære* put forth by many, and not well answered by any, we crave leave to propose it, and to deliver some probable conjectures upon it; leaving the certain Resolution to those who are better acquainted with the true causes thereof.

Object. That exception of the sonnes of Noblemen hath been excepted against by some for this reason:

Reas. Because their example in swearing to the Doctrine and Discipline of the Church, would bee of great moment to the maintenance of both: and therefore they thinke it more meet, that they should begin this sacred attestation (whom others would bee most ready and forward to follow) then that they should have a particular exception to free them from it.

Object. If it be said, When others take Oath, they take none, but make their protestations and promises *in verbo honoris*:

Answ. That is true, but neither is so much required of

of them in this case; or, if it were, two particulars would be returned by way of reply: The one,

That Archbishops and Bishops are to take the Oath, who [a] take place of their right Honourable Fathers, both Earles and Lords; and so it can be no dishonour to their sonnes, to doe as such reverend, and so much honoured Prelates have done, especially, since Bishops have beene [b] matched with Kings in the prerogative of irrefragable regard and beliefe of their words without an Oath: The other,

That as the sonnes of Noblemen were to be beleeved, when they testified any thing *in verbo* [c] *honoris*; so were the Clergy to be beleeved, when they did the like *in verbo Sacerdotis*. And by *Justinians Code* (if we may take it upon the word of a Popish Priest; for we have not met with it in the originall) [d] *The word of a Priest was rated to the Testimonies of twelve of the Laity*. But the priviledge of the Nobility yet remaineth, and that of the Clergy now is lost: which may give us just occasion to examine, whether they have not beene more true to their honour, then most of us to the sincerity of our sacred Profession; and if they have, they may bee priviledged from the taking of this Oath, though we be not.

It is probable also, that they were exempted upon especiall respects, both of *ingenuity* and *prudence*: of *ingenuity*, by those Clergy men, who were bound to all honourable observance of such noble Families, as had been meanes to preferre them; and of *prudence*, in preventing a repulse to their purpose: for it was not like that the Nobility would suffer their sonnes to bee entangled

[a] The Kings large Declarat. of the Tumults in Scotl. *p.* 217.

[b] Episcopi & Regis verbum seu affirmatio sine juramento sit irrefragabile. *Concil. Bergam-stedense, cap.* 17. *anno Christi* 700. *apud Dom. Spelman de consil. tom.* 1. *p.* 196.

[c] See *pag.* 132. *seq. lit.* k. *in mar.*

[d] *Wats Quodlibets. pag.* 12.

entangled with such an Oath, as is prejudiciall to the conscience: and (as many Lawyers alledge) to the obedience due to his most excellent Majesty, and his Royall Successours.

That which we reade in the Conference at Hampton Court, gives us just occasion so to conceive; which is, *That when there was speech of the* [e] *Oath* ex officio, *one of the Lords compared it to the course of the Spanish Inquisition; and if the Nobility had distasted it, and renounced it, it would have given the greater encouragement to others to stand out against it.*

[e] Confer. at Hampt. Court. pag. 89.

Howsoever, Gods providence hath most wisely ordered their exemption from swearing; for, since the Nobility are not required to take this Oath, their desire and endeavour to have the aggrievance of it removed from others (as their petition to his Majesty before the Parliament sheweth) doth evidence their noble, religious, and charitable minds towards all such, as by their mediation may bee secured from suffering in their consciences by taking, or in their liberties and estates for refusall thereof.

For which pious compassion many thousands, especially we of the Tribe of *Levi*, are deeply obliged to praise God for their Honours, and to pray to him for his vigilant providence and potent protection, both over them and their honourable Progeny.

The fourth or last part is,

4. Part. *Of the penalty of the Oath.*

The words of the Canon.

IF any man Beneficed, or dignified in the Church of England, or any other Ecclesiasticall person, shall refuse to take the Oath, the Bishop shall give him a moneths time to informe himselfe: and at the moneths end, if he refuse to take it, he shall be suspended ab officio, *and have a second moneth granted; and if then hee refuse to take it, hee shall be suspended* ab officio & beneficio, *and have a third moneth granted him for his better information: but if (at the end of that moneth) he refuse to take the Oath above named, hee shall by the Bishop bee deprived of all his Ecclesiasticall promotions whatsoever, and execution of his Function, which hee holds in the Church of England.*

Of this, our 25. Doubt is,

25. Particular Doubt. *Concerning the difference betwixt the command and commination of the Canon.*

The Reason.

BEcause, where a law is rightly grounded, and a penalty for breach of it imposed, there the offenders are legally censured, with an equall and impartiall justice; but here it seemeth to us to be much otherwise: for, of all those persons of severall callings, professions, or degrees, before rehearsed, and required to take

take the Oath, onely Clergy men are upon their refuſall of it to be puniſhed: and that, though gradually, yet with as much ſeverity as any Eccleſiaſticall Authority can inflict: for, they within three moneths are to be put out both of their miniſtry and means; while all others(though they refuſe the Oath as well as they) are by the Canon not to bee the worſe for their refuſall.

It may bee, the Biſhops may prohibit ſome to practiſe Phyſicke, others to teach Schoole, that will not ſweare; and they that will not take the Oath, perhaps ſhall take no orders at their hands: and for Regiſters, Actuaries, and Proctors of their Courts, if they refuſe it, it may be they will refuſe them, and put them out of their offices; but the Canon concludeth nothing againſt any one, but Eccleſiaſticks, eſpecially Beneficed Preachers; which, whether it may more incline ſuch to love, or feare thoſe who lay theſe heavie penalties upon them, there is none ſo ſimple, but may ſoone perceive; nor is any ſo wiſe, as in this to ſee either the compaſſion of the reverend Prelates, as their fathers; or the charity of inferiour Clerks, as their brethren: for, by this Canon they are neceſſarily caſt upon one part of this dangerous *Dilemma:*

If they take the Oath (beſides the ſcruples of conſcience before obſerved) their taking of it (as we have touched before) muſt bee recorded by a Notary publicke; and then, if they doe any thing, which they that are their Judges will call a breach of the Oath they have taken, they may bee called in queſtion for the crime of perjury.

About the yeare 1164. [f] *Thomas Archbiſhop of Canterbury, was at a Councell (held at Northampton) accuſed and condemned of perjury; becauſe hee had ſworne to the Engliſh cuſtomes, and had not obſerved them.* And it is an eaſie matter (out of an Oath of ſuch copious contents, as this of the ſixth Canon) to frame an accuſation againſt him that hath taken it; eſpecially, if what lieth in ambuſh under the *&c.* bee brought into the charge: hereof our feare may bee the more; becauſe ſome of us have obſerved, how forward ſome of our ſuperiours have beene to lay an imputation of perjury upon the inferiour Clergy; becauſe (having taken the Oath of Canonicall obedience) they have not been ſo ready (as they would have them) to performe what they impoſed by uncanonicall Commands.

On the contrary, if they take not the Oath, and thereupon the penalty of the Canon bee laid upon them, they muſt take leave of their Paſtorall charges; and no more be allowed to feed their Flockes, nor to be clothed with their fleece: which is like (in reſpect of many Pariſhes) to be a great calamity both to the Paſtors and People.

Thus much for our Doubts: which if any thinke too much, it may be he thinkes too little of the peace of conſcience, the price of our Miniſtry in danger to bee loſt, and the preſſure and miſery, which by many may bee felt by occaſion of that Oath: which, though

[f] Conciliab. apud Northampton in Anglia celebrat, quo Thomas Archiepiſcopus Cantuarienſis de perjurio per Regem accuſatus & condemnatus, eò quòd Anglicanas conſuetudines quas juraverat non obſervâſſet. *Franciſc. Long. de Concil. pag. 806. col. 1.*

though wee dare not take, yet wee dare ſweare, and can doe it *heartily*, *willingly*, and *truly*, that (as yet wee conceive of the Oath) wee cannot with ſound faith, and ſafe conſcience yeeld unto it.

And if moſt of theſe Doubts, before propoſed, ſhould bee found to bee frivolous (which wee doe not conceive of any one of them) and but one of them containe a juſt ground of ambiguitie, (which ſome that have taken the Oath, and ſome that have written for the Oath, have ſince confeſſed: and not onely by ſpeech, but by their hand-writing have acknowledged) that one is enough, while wee are in ſuſpenſe concerning the meaning of the Oath, to ſuſpend our aſſent from the taking thereof: For, the compariſon (brought in by the prudent Compoſer of the Hiſtory of the Councell of Trent) wee take to bee true, and of much importance to this purpoſe, which is, [g] *As one particular maketh falſe the contradictory univerſall; ſo one ambiguous particular, makes the univerſall to bee ambiguous.*

[g] Hiſt. Concil. of Trent. 2. pag. 187.

If any man, but of a private condition (like unto our ſelves) have a mind to make anſwer to our Doubts or Reaſons, wee wiſh him to conſider at what hee aimeth in that undertaking: If to engratiate himſelfe into the favour of thoſe who approve of the Oath; wee deſire not to caſt in any prejudice to his expectation: If to ſatisfie us, wee feare his endeavours are like to bee fruitleſſe; ſince hee cannot advance his diſcourſe above probability,

bability, and for that wee may returne upon him with like topicall Arguments: and so the consistence of the cause (at the best) will be but a probleme; which will administer but weake encouragement for a *sincere, willing*, and *hearty* taking of an Oath.

Our

Our HOPES, and the REASONS thereof.

First, our HOPES.

OUr Doubts and Reaſons hitherto handled, wee hope, will aſſure your Lordſhip, that our not taking of the Oath, ought not to be aſcribed to contumacy, but to conſcience; and then, we hope againe (the caſe ſtanding as it doth) that you will neither preſſe upon us to take it, nor oppreſſe us with the penalty, if we take it not.

Our REASONS.

FOr this, we conceive, we have both ſolid Reaſons, and ſacred Examples; and thoſe ſuch, as wee preſume your wiſedome and goodneſſe will not diſeſteeme.

Our Reaſons are grounded on
1. *Piety.*
2. *Charity.*
3. *Equity.*
4. *Policy.*

1. On

1. On *Piety.*

For the firſt: As your Lordſhip and the reſt of the reverend Prelates are men of God, you ſtand eſpecially engaged (as much as in you lyeth) to ſecure your inferiours from the perill of ſinne, whether Preachers, or People: and firſt, for Preachers, to take care that they doe not take any dangerous Oaths.

For which cauſe, Saint *Baſil* was very zealous in behalfe of Biſhops (as [h] *Baronius* ſheweth) *that they might not be put to ſweare, in reſpect of the perill of an Oath:* and hee prevailed ſo farre as to free them from that perill. And the Councell of Challons was as reſpective of Presbyters, decreeing thus; [i] *It is reported of ſome, that they compell the perſons who are admitted (in time of their Ordination) to ſweare that they are worthy, and that they ſhall do nothing repugnant to the Canons: and that they ſhall be obedient to the Biſhops, who ordained them; and to the Church, into which they are ordained: which Oath, in regard it is perillous, we all inhibit, and diſcharge.*

h *Baron. Annal. tom. 6. an. 449. nu. 12. col. 83.*

i The Councell of Challons. *Can. 18. p. 560. Sympſ. of the Church.*

And the Triburienſian Councell, having a reſpect both to their credits and conſciences, made a cautelous Conſtitution, [k] *That a Presbyter ſhould not bee compelled to ſweare; but, inſtead of an Oath, he ſhould be queſtioned upon his holy conſecration* (i. as it is probable) *in verbo Sacerdotis*; becauſe (as the Reaſon is there rendred) our Lord forbade his Diſciples to ſweare.

k Presbyter in judicio ad jurandum cogi non debet, ſed vice Sacramenti per ſanctam conſecrationem interrogetur. *Concil. Triburienſ. Can. 21. an. 895. p. 782. Caranz. edit. 1633.*

Object.

Object. But say some, Did not all, both minister, and people in the City of Geneva (which many magnifie as the *Metropolis of Piety*) take an Oath for shutting out of Popery, and setting up of the Presbytery without all this adoe?

Answ. They did indeed sweare to banish the one, and to establish the other (as [l] Master *Hooker* observeth) but

[l] Mr. *Hooker* in the Preface of his *Eccles. Polit.*

First, Is it any good Argument, that because they have sworne against the Prelacy, that we must sweare for it? men by law are not allowed to take contradictory Oaths; and if there bee any Authority in their example, it may serve rather to make us doubtfull, then resolute to sweare: though wee thinke it might bee more reasonable to require Geneva to receive some Doctrines from us, then wee Discipline from them.

As concerning the Sabbath, they of Geneva might have learned sounder Instruction from our Homilies, then wee from [m] *Calvins* Institutions (though otherwise an excellent book) or from the common practice of that City.

[m] *Calv. Instit. lib. 2. ch. 8.*

Secondly, their Oath was not in ambiguity like ours, nor is ours (as theirs was) regulated by Scripture: For,

First, they [n] sware in plaine termes, never to admit of the Papacy among them againe; and among them it was not so ambiguous, what points should be reputed Popish, as with us it is.

[n] Mr. *Hookers* Prefat before his *Eccles. Pol. fol. 5. p. 1.*

Secondly, to live in obedience to such orders (concerning the exercise of their Religion, and the forme of Eccleasiasticall Government) as the true and faith-

full Ministers of Gods Word, had, agreeably to Scripture, set downe for that end and purpose.

Thirdly, for the abandoning of Popery, they might safely and heartily sweare; and so could wee (if an Oath were tendred against it, which were not otherwise lyable to exception) and for the Discipline or Government, the Clergy made no scruple of it: for, they propounded it as a certaine preservative to the purity of Religion; and the people were induced to receive it, because it made them partakers of a new priviledge; and that a great one: for, to one Pastour were joyned two Lay-elders in the Government of the Church; and so their swearing was (as the taking of this Oath) by Archbishops, Bishops, &c. a confirmation of their owne Interests.

Fourthly, as they made no doubt of the lawfulnesse of the Oath, so were they not urged unto it by any commination of danger: and so their swearing might be with a free will, not mixed either with reluctancie of conscience, or with feare of penalty.

Fifthly, the Discipline of Geneva is said to bee a [o] *new-fangled Discipline*, of *Calvins* devising: and it is further delivered, as an undoubted truth, [p] *That no man living, no record of History, can shew any Lay-presbyter, that ever was in the whole Christian Church, untill this present age.* But the Government by Bishops is held (by those who propound this Oath) to bee [q] *of divine right, and to have continued in the Church,* [r] *ever since the time of Christ, and his Apostles, untill this present age.*

If so, they of Geneva had need of an Oath, to give strength to their new invented Government; and

o The Lord Archb. of Canterbury in his Speech in the Starre-chamb.

p Bish. *Hall* in his second undoubted propos. added to his Irrefrag. *pag.* 6.

q The Archb. Speech forecited. *pag.* 6.

r Bish. *Halls* book, his first undoubted propos.

we

we (without an Oath) might be confident of the continuance of ours, according to the ſound reſolution of the renowned Doctor of the Law, *Gamaliel*, in the fifth of the Acts of the Apoſtles: *If this counſell, or this worke* (ſaid hee) *be of men, it will come to nought; but if it be of God, you cannot overthrow it, leſt haply yee be found even to fight againſt God*, Act.5.v.38,39.

Pope *Clement* the ſeventh, upon this ground (though miſtaken as in application to the Papacy) grew very confident againſt the feare of a future Councell, as the Authour of the Hiſtory of the Councell of Trent reporteth, in theſe words: [ſ] *There was a fame ſpread, the Pope would have no Councell, for feare his Authority ſhould be reſtrained: a reaſon which maketh no impreſſion at all in him, having his Authority immediatly from Chriſt, with promiſe, that the gates of Hell ſhould not prevaile againſt it: and the experience of former times hath ſhewed, that the Papall Authority hath never been diminiſhed by any Councell; but according to the words of our Lord, the Fathers have ever confeſſed it to be abſolute and unlimited, as it is indeed.*

[ſ] Pope *Clem.* Hiſt. Trent. *l.1.p.51.*

In word rather, or in conceipt at the beſt: and it was conceipt, and no more, that upheld his heart againſt all oppoſitions of his power; And our reverend Prelates have ſo much leſſe cauſe to feare their ſtate (though it be not ſupported by ſwearing) as they have more warrant to build their hopes upon the oraculous ſentence of that famous Doctor.

The other particular more eſpecially reſpecteth the piety of the people, whoſe conſciences are like to be carefully guided by ſuch Divines, as are chary of their owne. Of whoſe Miniſtry (if they ſhould be deprived)

prived) it is not like, that generally there would bee found a ſupply to countervaile the loſſe of their religious labours, and exemplary practice, the two chiefe helps to holineſſe of life: and we conceive it a point of *Piety*, and a caſe of conſcience, worthy of the grave and godly conſideration of the reverend Prelates to reſolve, whether, becauſe in this caſe wee dare not ſweare, God will reject our ſervice in his Sanctuary; if not, why ſhould they?

The ſaying of *Wickliffe* (though condemned as hereticall in the Popiſh Councell of Conſtance) may (as we conceive, with a little correction) bee made a very Orthodox poſition, and pertinent to this purpoſe: Thus, [t] *None ſhould be excommunicated by any Prelate, unleſſe he know him* (or rather thus, *unleſſe hee conceive him*) *excommunicated by God*: And if ſo, while God is pleaſed (as we hope he is) to accept our endeavours to glorifie his Name, and edifie his Flocke, wee truſt it will not be held any part of godlineſſe with the Paſtorall ſtaffe, to drive any faithfull Paſtour from the fold of Chriſt.

t Nullus Prælatus debet aliquem excommunicare, niſi priùs ſciat excommunicatum à Deo *Artic.* 11. *Wickl. Imputat. in Concil. Conſtant. fol.* 437. *Concil. Carranz.*

2. On *Charity*.

Secondly, wee ground our *Hopes* upon your Lordſhips *Charity*, whereof the fundamentall Rule in the Affirmative part is, [u] *To doe unto all men as wee would they ſhould doe unto us*: and in the Negative, *not to offer that to others, which in the like caſe our ſelves would not ſuffer*. And we doubt not, but your Lordſhip would bee loth that your feare of offence againſt God, and your conſcience, ſhould be ſo ſeverely puniſhed, as by the Canon is threatned to ſuch as are affraid to take this

u Mat. 7. 12.

this Oath: and if you looke but upon us without reflecting upon your Lordships, wee *trust that for this, after our long and studious endeavours in the University, wherein some of us have spent our Patrimonies (which might have maintained us in another course, without Ecclesiasticall meanes) after our constant and painfull imployment in our Pastoral charges (even to the tyring out of our strength) after our families are increased beyond our abilities to support them, without the meanes wee receive from the Church (and for many of us, wee may say but poorely with it) you will not by the discharge of this Canon upon us, put us upon the poore refuge of the Canon of the* [x] *Councell of Carthage (made for inferiour and single Clerkes) to labour in husbandry, or manufactures (which your* [y] *Canons precisely prohibit) for our maintenance; sweare we dare not, digge we cannot: we were no Fishermen, nor Tent-makers, or other Artificers, before we entred upon this holy calling, and to begge we are ashamed: and we may be also affraid, since by the Law,* [z] *begging Scholars are no better then Rogues, and so to be severely punisht, rather then charitably relieved; what then shall we doe?*

x Clericus victum & vestimentum sibi artificiolo vel agriculturâ præparet. *Concil. Carthag. 4. Can. 51, 52, 53.*

y Ministers shall not give themselves to any servile labour. *Can. 75.*

z The Complete Justice. *p. 212. nu. 16. edit. 1638.*

It is a good Rule given to Visiters by *Gavant* (saith a * reverend Writer of your owne ranke) *that they should be sparing in making Decrees:* and no lesse profitable to spirituall Governours, which *Erasmus* relates (out of *Gerson*) *that they should not rashly throw about the Thunderbolts of their censures, lest they should not take time sufficient to distinguish betwixt such as are more capable of pity, then of severity; and those who are more worthy of the rod, then of the spirit of meekenesse, to spare the one, though they punish the other:* And wee

* Bish *Hall* in his second book of moderation. *sect. 9. p. 65.*

looke for no leſſe moderation and mercy from your Lordſhip, ſince a [b] Councell adviſeth you thus: *It becometh them, who are in eminent roomes, to deale mercifully with their inferiours, knowing that they are brethren.*

[b] The Councell of Chalons. *Can.* 41.

And while we accompt you (in regard of the gravity, and eminency of your parts and places) Fathers, wee cannot but hope that you will deale with us as with your ſonnes, with a [c] fatherly moderation, and not thinke us worthy to bee diſ-inherited, or caſt off, while wee deſire and endeavour faithfully to hold on in our courſe of the ſervice of God, and his Church: And we doubt not, but you will remember the godly and gracious words of your owne Ordination, [d] *That you have your Authority not to deſtroy, but to ſave; not to hurt, but to help:* [e] *And that you are to be to your Flocks ſhepheards, and not wolves; to be ſo merciſull, as not to be remiſſe: ſo to adminiſter Diſcipline, as not to forget mercy: and to bee ſo farre from oppreſsing of us, that if wee were oppreſſed by others, you ſhould bee ready to ſuccour us.* This is one end of Epiſcopall Viſitations, for which there is a Decree in a Councell of Arles to this effect:

[c] As for rule, if we affect any but fatherly and moderate, and ſuch as muſt neceſſarily be required, we doe not deprecate to cenſure. Biſh. *Hall* of Epiſcopacy. *part.* 2. *p.* 58.

[d] In the book of Ordination. *pag. penult.*

[e] *Ibid.*

[f] *Let every Biſhop viſit his bounds once every yeare, and if he finde the poore to be oppreſſed by the violence of the mighty, then let him with wholeſome admonition exhort them to deſiſt from ſuch oppreſſion: and in caſe they will not deſiſt from their violence, then let the Biſhop bring the cauſe to the eares of the Prince.*

[f] The Councell of Arles, *an.* 813. *Can.* 17 *p.* 564. *Patrick Sympſon* of the Church.

Nor doe wee conceive our different perſwaſion concerning this Oath, doth repreſent us unto you, as unworthy of your fatherly Compaſsion, ſince he that of late hath ſhewed himſelfe a moſt zealous Patron

of

of Episcopall preheminence, expresseth a pitifull affection towards the Divines of the Reformed Churches (notwithstanding many greater differences then this of the Oath) in this sort,[g] *We heartily pity* (saith he) *the incompetent provision of our forraine brethren, whose parts are as eminent as their maintenance is poore.*

g Bish. *Hall* in his Apolog. for Episcopacy. *part.* 1. *sect.* 17. *pag.* 108.

He whose charity reacheth so far off, in commiserating the poverty of forrain Divines, would not surely (and wee trust, many of the reverend Prelates are as pitifull as he) be a meanes to make such miserable objects here at home, by depriving of so many conscionable Ministers, as make scruple of the Oath, of the due provision whereof they are lawfully possessed: especially, if hee remember the Canon of the Matiscon Councell, which saith,[h] *That a Bishops house is purposely appointed to afford hospitality to all that need, without respect of persons.*

h Episcopalis domus ad hoc instituta est, ut, sine personarum acceptione, omnes in hospitalitate recipiat. *Concil. Matisc.* 2. *Can.* 13.

And that other Canon of *Charity*, which goeth under the name of the Apostles, in these words:[i] *If any Bishop or Presbyter doe not minister to the necessities of a Clerke that is in want, let him be debarred from the communion: and if hee persevere in his want of pity, let him be deposed as guilty of his brothers death, in withholding from him brotherly reliefe.* Which not onely by the generall duty of Christianity, but by especiall promise, the Bishops of England are bound in conscience to consider and beware of, [k] since at their consecration the Archbishop asketh them, *Will you shew your selfe gentle, and be mercifull for Christs sake to poore and needy people, and to all strangers*

i Si quis Episcopus aut Presbyter Clerico ex inopia laboranti necessaria non suppeditaverit, à communione rejicitor; si perseveraverit, deponitor, ut qui fratem suum necaverit. *Can. Apost.* 58.

k The book of Ordinat. *p. antepen. & penult.*

strangers destitute of help? and their answer is, *I will so shew my selfe by Gods help.* Wherein their bare word for beneficence to strangers is vertually a double bond of security to their owne, against such excessive severity, as by that Apostolicall Canon is condemned.

3. On *Equity.*

Thirdly, wee are confident in the *Equitable Justice* of our reverend Governours, that the Commination in the words of the Canon is more severe, then the execution of it will be: for, if wee doe offend in forbearing of the Oath, distinction must bee made by the Decree of a generall [l] Councell, betwixt those that *of set purpose offend, and those that offend by a kind of necessity:* as, where our consciences put in exceptions as barres, at least as demurres to obedience: and if we deserve any censure in such a case, it is not deprivation, which our Ecclesiasticall Lawes call [m] *cruell, and an horrible weapon, which destroyeth or undoeth the whole man: for, that is reserved* [n] *for hainous crimes of greatest and foulest guilt:* which in particular are noted by *Duarenus* the [o] Civilian to be these, *Simonaicall ambition, Incontinency, keeping of a Concubine so pertinaciously, that the offender being duely admonished, will not forsake her; Perjury, Murther, Treason, or some other grievous of-*

l Non in eum est animadvertendum, ac si voluntariè hoc fecisset, & de industria: meliùs semper & clementiùs judicandus est ex ipso hoc quod ex necessitate factum perpetraverit. *Concil. Anhamen. Gener. apud Dr. Spelman de Concil. an. 1009. tom. 1. p. 516.*

m Sententia deprivationis, quoniam cruenta est, & totum hominem conficit tam horribile telum &c. *Reform. leg Eccles. tit. de deprivat. cap. 4. fol. 79. b.*

n Deprivatio flagitiis atrocibus convenit. *Ibid. cap. 1. fol. 79. a.* Deprivatio maximis & teterrimis vitiis est reservanda. So in the Chapt. it selfe. o De criminibus propter quæ beneficia amittantur, quæ sunt ambitus Simonaicus, Incontinentia, si Concubinam habeat, nec eam ritè monitus demittere velit, Perjurium, Homicidium, Perduellio. *Duaren. de benefic. lib. 8. cap. 6. pag. 102.*

fence

fence (as hereſie) *which is followed by infamy: where, by* [p] *Infamy, hee meaneth not that, which ariſeth from the miſ-conceipt of men, but that which proceedeth from the ſentence of the Law:* None of all which can (with any colour of truth) bee imputed to our doubting, or finall deniall of the Oath, while the dictate of our conſciences induceth us to doe ſo; and, if we ſhould confidently affirme (which ſome of us beleeve) that *a Preſbyter is equall with a Biſhop by Gods Law*, we could not for that incurre the condemnation of Heretickes: for, *though* Auguſtine *and* Epiphanius *accounted* Aerius *an Hereticke for that, yet* (as [q] Dr. *Whitaker* ſaith) *few of the ancient Fathers* (*beſides them*) *did ſo*: and therein (ſaith he) *was* Hierome *altogether of his mind.*

[p] Quod autem de infamia diximus, de ea accipiendum eſt, quæ jure ac legibus irrogatur, non de ea quæ ex hominum opinione proficiſcitur. *Ibid. p.* 103.

[q] Dr. *Whitaker* his anſwer to *Campian* his tenth Reaſon. *p.* 317.

Beſides, wee preſume your goodneſſe will take notice, that in Equity and Juſtice they ſhould not ſuffer moſt, who offend leaſt againſt a penall law; and they leaſt, or rather nothing at all, who are moſt refractory to it: which would come to paſſe, if the penalty ſhould proceed, as in the Canon is expreſſed; for, all Papiſts, who are adverſe to our Doctrine in generall (except ſome few egregious Eccleſiaſticall hypocrites) may paſſe unpuniſhed, notwithſtanding this Canon: while Proteſtant Miniſters may bee undone, for refuſing to ſweare to ſome particulars of Diſcipline.

But that wee ſhall not feare, if you pleaſe to looke upon *the moſt reverend and religious Biſhops of the Primitive times, who* (as your owne Apologiſt hath teſtified of them) [r] *were made all of meekneſſe, humility, and patience:* if you be like unto them (and while you take them for your Anceſtors, you ſhould not bee unlike them)

[r] Biſh. *Hall* in his book of Epiſcopacy. *part.* 1. *ſect.* 18. *pag.* 112.

them) you will never make us feele the rigour of this ruinating Canon.

4. On *Policy*.

Fourthly, in *religious Policie* you may (with as much advantage to your ſelves as to us) forbeare the urging of this Oath; for, give us leave, wee beſeech you, to tell you the truth (though ſuch, as hope to help forward ſome ambitious deſigne by your favour, ſay otherwiſe) the Biſhops (if they have not added to the number of the enemies they had before) have yet loſt more friends by propoſall of this Oath, and Penalty, then by any Act that is knowne to be theirs: and withall, have thereby raiſed a ſuſpition, that themſelves do doubt their dignity is not ſet upon a ſure foundation. It is cauſe of jealouſie to many, when ſuch as are reputed politicke, are too cautelous in their own cauſe; and for that was [f] *Novatianus*, the father of the *Puritans* (though a Biſhop) the worſe thought of (for good Biſhops uſed to exact no ſuch unreaſonable ſecurity for themſelves) becauſe hee cauſed his Adherents *to put their hands betwixt his, and to ſweare by the body and bloud of the Lord, they would not forſake him, and turne to Cornelius:* And this hee did, before hee would give them the Sacrament; but beſides that, ſuch a forced confederacy is but [t] fraile: By this his Epiſcopacy was the more ſuſpected, to be both unlaw-

[f] Novatianus juramentum exegit à ſuis, priuſquam Sacramentum daret: ſic ſuis utriſque manibus manus accipientis prehendens, non priùs dimiſit, quàm hoc jurejurando obſtrinxiſſet: Jura mihi per corpus & ſanguinem Domini te nunquam me deſerturum, nec ad Cornelium reverſurum. *Baron. Annal. tom. 2. an. 254. nu. 75. col. 504.*

[t] The Patriarch of Antioch, to make ſure worke, bound Prince *Reimund* by an Oath to be true to him; but friends unjuſtly gotten, are ſeldome comfortably retained: and of his ſworn friend, he proved his ſworn enemy. M^r. *Fullers holy war. l. 2. c. 20. p. 69.*

full

full and ſchiſmaticall. It hath fallen out ſo (whether juſtly, or unjuſtly we will not ſay) in many mens conceipts of the Right and Authority of Biſhops, both ſince, and by occaſion of this ſwearing Canon. And they cannot more readily redeeme their reputation, then by a ſpeedy procuring of a repeale or revocation thereof (as we doubt not but they may) by publicke Authority.

Wherein, if they appeare and prevaile, they need not feare any diſparagement to their prudence, by withdrawing that they have decreed, ſince the wiſeſt Stateſmen, and greateſt Governours have uſed many times, to comply ſo farre with popular diſpoſitions, as to vary their own Acts with relation to their liking, as the Pilot doth his ſailes, to comply with the winds.

And you cannot have a more Authentick example, both to induce you to this, and to defend you in it (from all imputations) then that of our ſacred Soveraigne; who, rather then he would give any colour of complaint for aggrievances to his people, was pleaſed u *to diſpenſe with the five Articles of Perths Aſſembly, and to diſcharge all perſons from urging the practiſe thereof upon any, either Laick, or Eccleſiaſticall perſon whatſoever: and to free all his ſubjects from all cenſures and paines, whether Eccleſiaſticall, or Secular, for not urging, practiſing, or obeying any of them:* though they were eſtabliſhed, both by a generall Aſſembly, and by Act of Parliament, as this Canon was not.

u King *Charles* his large Declaration of the Tumults in Scotland. *p.* 370. & *p.* 389

And for his owne Acts (for theſe Articles of Perth were propounded and ratified in the reign of his Royall Father) *he impoſed the Service book, the book of Canons, and high Commiſsion, upon his ſubjects in Scotland;*

and

x The Duplies of the Divines of Aberdene. *pag.* 54.
y *Ibid. p.* 130, 131.

and upon their x *humble ſupplication, was content graciouſly to grant a diſcharge from them, paſſing his Princely promiſe,* y *that hee would neither then, nor afterwards preſſe the practice of them, nor any thing of that nature; but in ſuch a faire and legall way, as ſhould ſatisfie all his Majeſties loving Subjects.*

Wherein, wiſe men (who judge of Conſultations and Acts by their probable effects, and not by unexpected events) cannot but highly commend his Majeſties mildneſſe and clemency; which, we doubt not, would condeſcend to your requeſts, for a removall of this great aggrievance, if you would be pleaſed to interpoſe your mediations to ſo acceptable a purpoſe: and upon our humble ſuit (which in all ſubmiſſive manner wee tender) to your Lordſhip (and, by you, to the reſt of your reverend order) we hope you will doe ſo, ſince we have it upon his word (his Royall Majeſties word) which neither in duty, nor diſcretion we may diſtruſt,

z The Kings large Declarat. *p.* 420.

z *That the Prelates were their greateſt friends* (i. of his Scottiſh Subjects) *their counſells were alwaies counſells of peace, and their ſolicitations vehement and earneſt, for granting thoſe unexpected favours, which we were pleaſed to beſtow upon our people.*

Beſtow (we beſeech your Lordſhip) ſome of theſe vehement and ſerious ſolicitations on our behalfe in this cauſe, and you ſhall not more free us from the feare of this Canon, then bind us in love, the *beſt love* (*which caſteth out feare*) to remaine

Your Lordſhips in all due obſervance